



**TOWN OF FORT MILL
PLANNING COMMISSION MEETING
August 26, 2014
112 Confederate Street
7:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: July 22, 2014 *[Pages 4–9]*

OLD BUSINESS

1. **Annexation Request: Talkington Property** *[Pages 10–19]*

An ordinance annexing York County Tax Map Numbers 774-00-00-004 & 774-00-00-005, containing approximately 168 acres on S Dobys Bridge Road

NEW BUSINESS

1. **Annexation Request: White Property** *[Pages 20–29]*

An ordinance annexing York County Tax Map Numbers 707-00-00-031, 707-00-00-048 (p), and 707-00-00-054 (p), containing approximately 35 acres on Whites Road

2. **Text Amendment: Nonconforming Uses and Structures** *[Pages 30–47]*

An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article IX, Legal Status Provisions; Section 3, Nonconforming uses; so as to amend the requirements pertaining to the reestablishment and reconstruction of nonconforming uses and structures

3. **Text Amendment: Amending R-5/Creating RT-4, RT-8 & RT-12** *[Pages 48–73]*

An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article I, In General; Section 5, Establishment of Districts; so as to add three new zoning districts to the list of districts established within the town; Article II, Requirements by Districts; Section 23, R-5 Residential District; so as to remove townhomes from the list of permitted uses within the R-5 District; and Article II, Requirements by Districts; so as to add three new sections to be called Section 25, RT-4 Residential District; Section 26, RT-8 Residential District; and Section 27, RT-12 Residential District

4. Rezoning Ordinance: Cascades at River Crossing

[Pages 74–77]

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for the Cascades at River Crossing subdivision, containing 216 parcels on approximately 24.3 +/- acres located on U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential

5. Rezoning Ordinance: Townes at River Crossing

[Pages 78–81]

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for the Townes at River Crossing subdivision, containing 144 parcels on approximately 13.8 acres +/- located on U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential

6. Rezoning Ordinance: Lighthouse Pentecostal Holiness Church

[Pages 82–84]

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for York County Tax Map Number 020-20-01-009, containing approximately 1.4 acres located at 333 U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential

7. Final Plat Review: Riverchase Phase II

[Pages 85–90]

Request from Meritage Homes to review and authorize road names associated with a final plat for the Preserve at River Chase Phase II

8. Subdivision Request: Clear Springs Land Company LLC

[Pages 91–93]

Request from Clear Springs Land Company LLC to subdivide a portion of York County Tax Map Number 020-09-01-003 to create a new 3.07 acre parcel on Munn Road

ITEMS FOR INFORMATION / DISCUSSION

1. Development Activity Report: July 2014

[Pages 94–101]

2. Preliminary Plat Update: Waterside on the Catawba (MXU)

[Page 102]

3. **Kanawha/SDG Development Agreement Amendment**

4. **Text Amendment: Commercial Appearance Review**

5. **Discussion of Traffic Issues**

[Pages 103–105]

ADJOURN

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION REGULAR MEETING
July 22 2014
112 Confederate Street
7:00 PM**

Present: Chairman James Traynor, Hynek Lettang, Chris Wolfe, Tom Petty, John Garver, Ben Hudgins, Planning Director Joe Cronin

Absent: Tony White

Guests: Larry Huntley (Fort Mill Town Council), Cooper Willis (Capital Advisors), Jim Haden (Stewart Inc), Kevin Granelli (Trinity Land Group), John Marks (Fort Mill Times), Joan Houck (Resident), Frank Collins (Resident)

Chairman Traynor called the meeting to order at 7:00 pm and welcomed everyone in attendance.

Mr. Wolfe made a motion to approve the minutes from the June 24, 2014, meeting as presented. Mr. Garver seconded the motion. The motion was approved by a vote of 6-0.

PUBLIC HEARING

Chairman Traynor opened the public hearing on the request to rename Dobys Bridge Road (State Route 36) as N Dobys Bridge Road and South Dobys Bridge Road. The following individuals spoke during the public hearing:

Joan Houck: Mrs. Houck recommended using the names of fallen service members for new road names.

Frank Patterson: Mr. Patterson recommended several names for the northern section of Doby's Bridge Road with local ties to the community, including: Willie Patterson, Weyanne, Field of Dreams, and Upper Dobys Bridge. Mr. Patterson also stated that since the northern section of Dobys Bridge now aligned with Holbrook Road, that Holbrook would also be a logical road name.

Chairman Traynor asked if anyone else would like to provide comments on the request. No one else wished to speak, and the public hearing was closed.

Planning Director Cronin asked the Planning Commission to reorder the agenda so as to take up the renaming request (New Business #2) following completion of the public hearing. There was no objection and the agenda was reordered.

NEW BUSINESS ITEM

6. **Road Name Change: Dobys Bridge Road:** A discussion took place regarding the road name. Chairman Traynor thanked Mrs. Houck and Mr. Patterson for their suggestions. Mr. Hudgins stated that it would make sense to use Holbrook Road for the northern section of Dobys Bridge Road, but questioned how that would go over with the county. Planning Director Cronin stated staff's opinion, at both the town and county level, that continuing to use the Dobys Bridge Road name, with a North/South distinction, would have the smallest impact to existing residents and businesses. Planning Director Cronin also stated that the county Planning Commission had approved N/S Dobys Bridge, and it would be best to avoid having multiple names along the corridor. Mr. Hudgins made a motion to approve the renaming to N/S Dobys Bridge Road, with a second by Mr. Petty. The motion was approved by a vote of 6-0.

OLD BUSINESS ITEMS

1. **Mixed Use Plan & Development Conditions: Pleasant Vista Property:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review amendments to the proposed concept plan and development conditions for the Pleasant/Vista Mixed Use Development. The applicant, Cooper Willis, highlighted the significant changes made since the June meeting, including: reducing the total unit count from 982 to 931, reducing the overall density from 6.25 to 5.93 DUA, reducing the number of units south of Vista Road, requiring a minimum of 10% of housing units to be senior housing, limiting the amount of traffic-generating retail space, enhancing buffer requirements between the project and the Whitley Mills subdivision, expanding the use and location of sidewalks, establishing enhanced development guidelines, and increasing the amount of open space. In regards to concerns about traffic impact, Mr. Willis stated that the revised conditions would limit the number of parcels and units that could be developed until the earlier of the following: when planned road improvements are under development, or January 1, 2018. Chairman Traynor asked if anyone else in the audience wished to speak in regards to the development, and no one else wished to speak.

Chairman Traynor thanked Mr. Willis for addressing the concerns raised by the Planning Commission during the last meeting. A discussion took place regarding traffic impact, with members of the commission expressing concern that the planned roadway improvements would not be completed by January 1, 2018. Mr. Wolfe asked whether the phasing schedule would allow work once *all* conditions were met, or just a single condition. Mr. Willis stated that his intent was for all conditions to be met before work could begin on other phases. Mr. Petty questioned whether it would be better to use the term "substantially completed" rather than "contracted for construction," as these types of improvements typically take several years to complete. Mr. Traynor asked if the developer would still be allowed to subdivide the property, install roads, utilities and other infrastructure, or if the phasing schedule would limit all development on the affected parcels. Planning Director Cronin suggested that most projects with similar requirements allow for the withholding of actual building permits, since the vertical construction is what ultimately generates the traffic impact. Mr. Wolfe asked whether the applicant would consider removing the January 1, 2018 date from the conditions, and instead require that all improvements referenced in the development conditions would need to be completed before the remaining phases could be

developed. Mr. Willis was amenable to the change. Planning Director Cronin stated that the development conditions were good for 10 years, and if a single roadway project was delayed for an extended period of time, we would likely end up back here in 10 years to review an entirely new plan for the remaining sections of the project. All members, as well as the applicant, agreed that they were okay with that possibility.

Mr. Hudgins made a motion to recommend in favor of the Concept Plan and Development Conditions, with the following amendments to Paragraph 14 of the Development Conditions:

14. Construction Schedule and Phasing

This Pleasant Vista Mixed Use Development will be constructed in phases. The following commitments are made for the development sequencing/phasing:

- a) ~~Only~~ With the exception of parcels 1, 6a-b and 7a-b, as shown on the Concept Plan attached as Exhibit B, no vertical building permits will be issued for any other parcel can be developed prior to either January 1, 2018 or until each of the following conditions having have been met, whichever occurs first:
 1. ~~SCDOT required traffic improvements have been contracted for implementation~~ at the intersection of Pleasant Road (Highway 22) and Gold Hill Road (Highway 98) shall be substantially completed and open to traffic.
 2. Interchange improvements ~~have been made~~ at I-77/Gold Hill Road (exit 88) shall be substantially completed and open to traffic.
 3. ~~The Plans for the proposed middle school plans at the intersection of Pleasant Road and Vista Road, and including all associated road improvement plans, are~~ shall be finalized and approved by SCDOT.
 4. ~~SCDOT required~~ Any project-related improvements to Pleasant Road, Vista Road, and other surrounding roads and intersections, as deemed necessary by SCDOT and the Town of Fort Mill following completion of the TIA (see paragraph 5b), ~~have been contracted for implementation~~ shall be substantially completed and open to traffic.
- b) Provided all other requirements of these Development Conditions have been satisfied, the provisions of Paragraph 14(a) shall not apply to parcels 1, 6a-b and 7a-b, or to any associated improvement related to a community recreation area, greenway, trail, and/or sidewalk within the Pleasant/Vista Mixed Use Development.

Mr. Garver seconded the motion. The motion was approved by a vote of 6-0.

2. **Text Amendment: Local Commercial District:** Planning Director Cronin requested to move this item to the end of the agenda. There was no objection, and the agenda was reordered. (See below)
3. **Request to Approve Road Name: New Road/Cul-De-Sac:** Planning Director Cronin requested to move this item to the end of the agenda. There was no objection, and the agenda was reordered. (See below)

NEW BUSINESS ITEMS

1. **Annexation Request: Talkington Property:** Planning Director Cronin provided a brief update regarding the request, the purpose of which was to review and provide a recommendation on the annexation and zoning designation for approximately 168 acres on S. Dobys Bridge Road.

Mr. Petty inquired as to whether the property would be clear cut. The applicant, Kevin Granelli, stated that there would be selective clearing and open space areas would be maintained, similar to River Chase.

Mr. Hudgins, Mr. Garver, Mr. Lettang and Mr. Wolfe all expressed concerns about traffic impact to Dobys Bridge Road. Mr. Traynor suggested that the project could be deferred, and the applicant can bring back a proposal or recommendation for addressing the concerns about traffic impact.

Mr. Wolfe made a motion to defer consideration of the request until the next meeting, with a second by Mr. Lettang. The motion to defer was approved by a vote of 6-0.

2. **Road Name Change: Dobys Bridge Road:** This item was taken up after the public hearing. (See above)

OLD BUSINESS ITEMS (CONTINUED FROM ABOVE)

2. **Text Amendment: Local Commercial District:** Planning Director Cronin provided an update on the draft ordinance. As requested during the last meeting, a copy of the town's noise ordinance was included in the agenda packet for review. Chairman Traynor recommended adding meeting and entertainment establishments to the list of conditional uses, along with restaurants, where the new outdoor speaker provisions would apply. Mr. Wolfe recommended amending Section 8(3)(G)(1) dealing with utility substations to remove chain link fences from the list of screening materials, and to amend the paragraph to require that such uses shall be enclosed by a fence or wall at least six feet in height above finish grade, or by some other screening material deemed appropriate as part of the appearance review process. Planning Director Cronin also provided draft recommendation for a possible amendment to the town's noise ordinance. Mr. Wolfe made a motion to recommend in favor of the ordinance amending the LC Local Commercial district, inclusive of the amendments recommended by himself and Chairman Traynor. Though the noise ordinance lies outside the purview of the Planning Commission, Mr. Wolfe also

recommended in favor of amending the noise ordinance to be consistent with the new outdoor speaker requirements for restaurants and similar uses. Mr. Lettang seconded the motion. The motion was approved by a vote of 6-0.

3. **Request to Approve Road Name: New Road/Cul-De-Sac:** Planning Director Cronin stated that he had been in contact with a member of the Hinson family. Three names were provided for consideration: Hinson Court, Mary Hinson Court, and Mary Vi Court. Hinson is already in use for a street name in York County, so staff recommended in favor of Mary Hinson Court or Mary Vi Court. A comment was made that Mary Vi, when capitalized, could be mistaken for Mary VI (the sixth). Mr. Hudgins made a recommendation in favor of Mary Hinson Court for the new street, with a second by Mr. Petty. The motion was approved by a vote of 6-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Discussion of Possible Amendments to the R-5 Zoning District:** Planning Director Cronin stated that he had spent some additional time considering amendments to the R-5 district. Based on concerns previously raised by the Planning Commission, he thought it may be best to remove townhomes from R-5 entirely, and to create a new district solely for townhomes. Members of the commission agreed that this would address their concerns about possible “bait-and-switch” rezonings, and asked staff to prepare an ordinance amendment.
2. **Impact Fee Update:** Planning Director Cronin stated that he had been in contact with the town’s impact fee consultant, Matt Noonkester of Stantec. Stantec has substantially completed its data compilation process, and work on the impact fee study is progressing. Staff expects to have a first draft of the study in the next 30-45 days. Shortly thereafter, a draft will also be shared with the Planning Commission. Given the size and scope of the project, staff recommended holding a workshop outside of the regularly scheduled meeting date and time to review and provide comments on the study.
3. **Discussion About Traffic Issues:** Mr. Wolfe raised the issue of traffic concerns within the town limits, and asked what could be done to address some of the problems. Planning Director Cronin provided an overview of possible solutions, including: changes to town development policies, ordinances and design guidelines; bringing in additional transportation planning resources, such as a dedicated transportation planner and/or consultants; encouraging transportation alternatives such as sidewalks, bike lanes and transit; deterring non-resident cut through traffic via reduced speed limits and vigorous enforcement; identifying funding sources for transportation projects, such as impact fees, property tax dollars, or other revenue sources; and investing in roadway improvements such as new alignments, widenings, intersection improvements, turn lanes, traffic control devices, and signal coordination. Planning Director Cronin stated that growth management practices can only be so effective, as the town’s traffic will always be impacted by what goes on outside our municipal borders. Given the cost of major roadway improvements, funding shortfalls are probably the largest obstacle to overcome. Planning Director Cronin

encouraged members to attend RFATS meetings, and to contact their state representative and senator to advocate for more transportation dollars in the Fort Mill area.

There being no further business, the meeting was adjourned at 9:46 pm.

Respectfully submitted,

Joe Cronin
Planning Director

**Planning Commission Meeting
August 26, 2014
Old Business Item**

Annexation Request: Talkington Property

An ordinance annexing York County Tax Map Numbers 774-00-00-004 & 774-00-00-005, containing approximately 168 acres on S Dobys Bridge Road

Background / Discussion

John P. and Delores M. Talkington, and Justin R. and Jason T. Talkington, the owners of record for York County Tax Map Numbers 774-00-00-004 & 774-00-00-005, have submitted an annexation request for approximately 168 acres located on Dobys Bridge Road. A property map and description are attached for reference.

The subject parcel is located adjacent to the Preserve at River Chase subdivision, which is located inside the town limits (zoned MXU Mixed Use). Therefore, the subject property meets the contiguity requirement as established by state law.

The subject parcel is currently zoned Rural Development District (RUD) per York County GIS. The county's RUD district allows farming and agricultural uses, campgrounds, churches, community centers, daycare centers, kennels, nursing homes, recreational facilities, and schools. A variety of residential uses, including single-family detached residences, single family detached housing developments (one acre per dwelling), modular homes, and manufactured homes, are also permitted.

The applicant has requested a zoning designation of R-5 Residential. The R-5 district was adopted by the town council on June 24, 2013, and is now available for use within the town limits. The R-5 district allows for single family residences – both detached and attached (townhomes) – as well as a limited number of non-residential uses, such as public facilities, religious institutions, and customary home occupations. The minimum lot size is 5,000 sf for single-family dwellings, and 1,500 sf for townhomes. The R-5 district contains a minimum open space requirement of 20%, as well as a project edge buffer of 35' along property lines adjacent to existing residential development. **NOTE: There is currently a text amendment pending that would remove townhomes from the list of permitted uses within the R-5 district. The draft amendment recommended by staff would also limit residential density in the R-5 district to 3 dwelling units per acre by right, and 5 DUA with an approved development agreement.**

The property is currently under contract for sale to Hunton Capital Partners, who is serving as the applicant. HCP has stated that its intended use for the property, upon annexation, will be to develop a single-family residential subdivision.

Recommendation

The property is contiguous to the town limits and is, therefore, eligible for annexation.

The subject property is located within an area that has been designated as “Low-Density Residential” on the Town of Fort Mill’s Future Land Use Map, last updated in January 2013. The comprehensive plan identifies “Low Density” as up to 2 dwelling units per acre. As a side note, the comprehensive plan further defines “Medium Density” residential as 3-5 dwelling units per acre. Therefore, there is some ambiguity as to whether a total overall density between 2 and 3 units per acre would be classified as low or medium density. This would be a policy decision of the town council.



The developer’s preliminary estimates for this property put the total number of single-family lots at approximately 350-400. This number may be subject to change once engineered drawings are completed. Based on the total acreage of the property (168 acres), the preliminary density would be approximately 2.08-2.38 units per acre.

The property is anticipated to have multiple access points along Dobys Bridge Road. Below is a summary of daily traffic volumes and capacities for adjacent roadways:

Roadway Name(s)	2012 AADT	2013 AADT	2013 Capacity
Dobys Bridge Road	9,000	9,100	105%
Rivers Edge Drive	NA (County)	NA (County)	NA%

Sources: SCDOT Average Daily Traffic (2012 & 2013), York County GIS

All R-5 projects with more than 100 dwelling units must complete a traffic impact study prior to commencement of any development activities. Any improvements deemed necessary by the study, in consultation with the town and SCDOT, must be constructed at the applicant’s expense.

As stated above, project densities between 2 and 3 units per acre are a “gray area” between the low and medium density designations specified in the 2013 comprehensive plan.

Should council choose to move the request forward with a zoning designation of R-5, staff would strongly recommend in favor of a development agreement that limits the permitted uses and overall density of the project. In regards to interpreting the “gray area” question regarding density, staff’s recommendation would be to consider densities of less than 2.5 units per acre and as “low density,” and those 2.5 units per acre and above as “medium density.”

The current capacity status of S Dobys Bridge Road is also an issue for discussion. During the July meeting, the Planning Commission expressed concern about S Dobys Bridge Road and asked the applicant to come back in August with one or more options for alleviating the potential traffic impact on this corridor. In response, the applicant has submitted the following proposal for the Planning Commission’s consideration:

- The applicant and town may enter in to a development agreement.
- As part of the agreement, the applicant offers to donate the following:
 - Sufficient right-of-way for the future widening of S Dobys Bridge Road.
 - A \$150,000 cash contribution to be used for roadway improvements on S Dobys Bridge Road or other transportation infrastructure as deemed reasonable by both the town and the applicant.

A copy of the proposal is attached as back up information. It should be noted that the contribution referenced above would be made in addition to any improvements deemed necessary by a traffic impact analysis (TIA) for the project. Should council choose to adopt an impact fee at a later date, staff would also recommend that the development agreement, if adopted, should stipulate that the voluntary contribution would be in addition to any future impact fees collected for transportation improvements.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development. The property shall also be subject to a TIA prior to the approval of a preliminary subdivision plat. Any improvements deemed necessary as a result of the TIA would be the responsibility of the owner/developer.

Joe Cronin
Planning Director
August 11, 2014

Date: June 23rd, 2014

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, we respectfully request that the Town of Fort Mill annex the property into the Town limits. We also request that the annexation of the property be contingent upon it be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: Dobys Bridge Road

Tax Map Number: 774-00-00-004

Total Acreage: Approximately 91 acres

Zoning Designation Requested: R-5

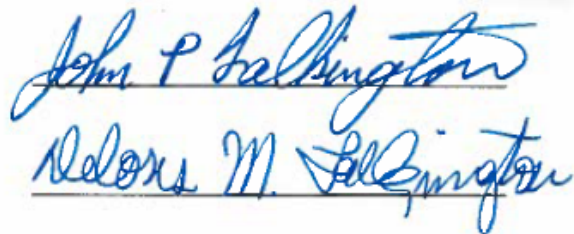
Property Owners: John P. Talkington and Delores M. Talkington

Print Name(s):

John P. Talkington

Delores M. Talkington

Signature(s):

The block contains two handwritten signatures in blue ink. The first signature is "John P. Talkington" and the second is "Delores M. Talkington". Both signatures are written in a cursive, flowing style and are positioned above horizontal lines.

Date: June 23rd, 2014

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, we respectfully request that the Town of Fort Mill annex the property into the Town limits. We also request that the annexation of the property be contingent upon it be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: Dobys Bridge Road

Tax Map Number: 774-00-00-005

Total Acreage: Approximately 77 acres

Zoning Designation Requested: R-5

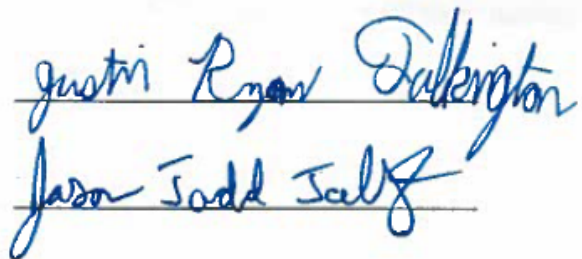
Property Owners: Justin Ryan Talkington and Jason Todd Talkington

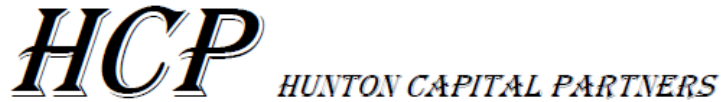
Print Name(s):

Justin Ryan Talkington

Jason Todd Talkington

Signature(s):

The image shows two handwritten signatures in blue ink. The first signature, "Justin Ryan Talkington", is written over a horizontal line. The second signature, "Jason Todd Talkington", is also written over a horizontal line. Both signatures are cursive and clearly legible.



August 7, 2014

Re: Letter to Fort Mill Staff regarding traffic concerns on the Talkington project.

TAX PARCEL: 774-00-00-005 and 774-00-00-004.

APPLICANT: J. Hunton Investments, LLC (Hunton Capital Partners) or its assigns

Mr. Joe Cronin,

During the July 22nd, 2014 Planning Board meeting, it came to our attention that the potential impact of the additional vehicular travel from the proposed subdivision would only further increase what is perceived as a pre-existing traffic concern on Dobys Bridge road. Our concern as the potential future owner and developer of the site is that we cannot feasibly absorb the full burden of cost to widen Dobys Bridge road in its entirety. However, I do believe we have a great solution that will contribute to the progress of addressing future traffic needs.

We would like to propose that the development agreement contemplate the donation of sufficient future right-of-way along the portion of land we control, contiguous to Dobys Bridge, to the Town of Fort Mill. In addition to the donation of land, we would also like that the development agreement contemplate a cash donation of \$150,000 towards the Town of Fort Mill's transportation fund for use on future road improvements on Dobys Bridge or other infrastructure as deemed reasonable.

Mr. Cronin, it is not our goal to just bring more residents into your highly desirable Town of Fort Mill, but also to help provide to the betterment of the community overall. If The Planning Board and Town Council see it as a reasonable request to consider the approvals of this new subdivision, we feel that these contributions will help stem a real path towards continued infrastructure improvements that support the current growth.

Thank you for your time and consideration, Mr. Cronin.

Sincerely,

J. Hunton Investments, LLC

Kevin J. Granelli

Kevin J. Granelli
Authorized Member

Hunton Capital Partners
704-778-2330 (d)
704-321-1011 (f)
KJG@huntoncapital.com

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

ORDINANCE NO. 2014-__

AN ORDINANCE ANNEXING YORK COUNTY TAX MAP NUMBERS 774-00-00-004 & 774-00-00-005, CONTAINING APPROXIMATELY 168 ACRES ON S DOBYS BRIDGE ROAD

WHEREAS, a proper petition was submitted to the Fort Mill Town Council on June 23, 2014, by John P. and Delores M. Talkington, and Justin R. and Jason T. Talkington (the “Property Owners”), requesting that York County Tax Map Numbers 774-00-00-004 & 774-00-00-005, which are owned fully by the individuals referenced above, be annexed to and included within the corporate limits of the Town of Fort Mill under the provisions of S.C. Code Section 5-3-150(3); and

WHEREAS, the Planning Commission of the Town of Fort Mill, in a duly called meeting on July 22, 2014, made its recommendation in favor of annexation, and that upon annexation, the aforesaid area be zoned under the Town’s Zoning Code, as follows: **R-5 Residential**; and

WHEREAS, a public hearing was advertised and held at 7:00 pm on August 11, 2014, during a duly called regular meeting of the Town Council of the Town of Fort Mill; and

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina, as amended, provides that any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete; and

WHEREAS, using the definition of “contiguous” as outlined in S.C. Code Section 5-3-305, the Town Council has determined that the above referenced property is contiguous to property that was previously annexed into the corporate limits of the Town of Fort Mill; and

WHEREAS, the Town Council has determined that annexation would be in the best interest of both the property owners and the Town of Fort Mill;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Mill in Council assembled:

SECTION I. Annexation. It is hereby declared by the Town Council of the Town of Fort Mill, in Council assembled, that the incorporated limits of the Town of Fort Mill shall be extended so as to include, annex and make a part of said Town, the described area of territory above referred to, being more or less 168 acres, the same being fully described in Exhibit “A” attached hereto, and contiguous to land already within the Town of Fort Mill. Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or

highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

SECTION II. Zoning Classification of Annexed Property. The above-described property, upon annexation into the corporate limits of the Town of Fort Mill, shall be zoned, as follows: **R-5 Residential.**

SECTION III. Voting District. For the purpose of municipal elections, the above-described property, upon annexation into the incorporated limits of the Town of Fort Mill, shall be assigned to and made a part of Ward Four (4).

SECTION IV. Notification. Notice of the annexation of the above-described area and the inclusion thereof within the incorporated limits of the Town of Fort Mill shall forthwith be filed with the Secretary of State of South Carolina (SCSOS), the South Carolina Department of Public Safety (SCDPS), and the South Carolina Department of Transportation (SCDOT), pursuant to S.C. Code § 5-3-90(E).

SECTION V. Severability. If any section, subsection, or clause of this resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this _____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the _____ day of _____, 2014.

First Reading: September 8, 2014
Public Hearing: October 13, 2014
Second Reading: October 13, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

EXHIBIT A

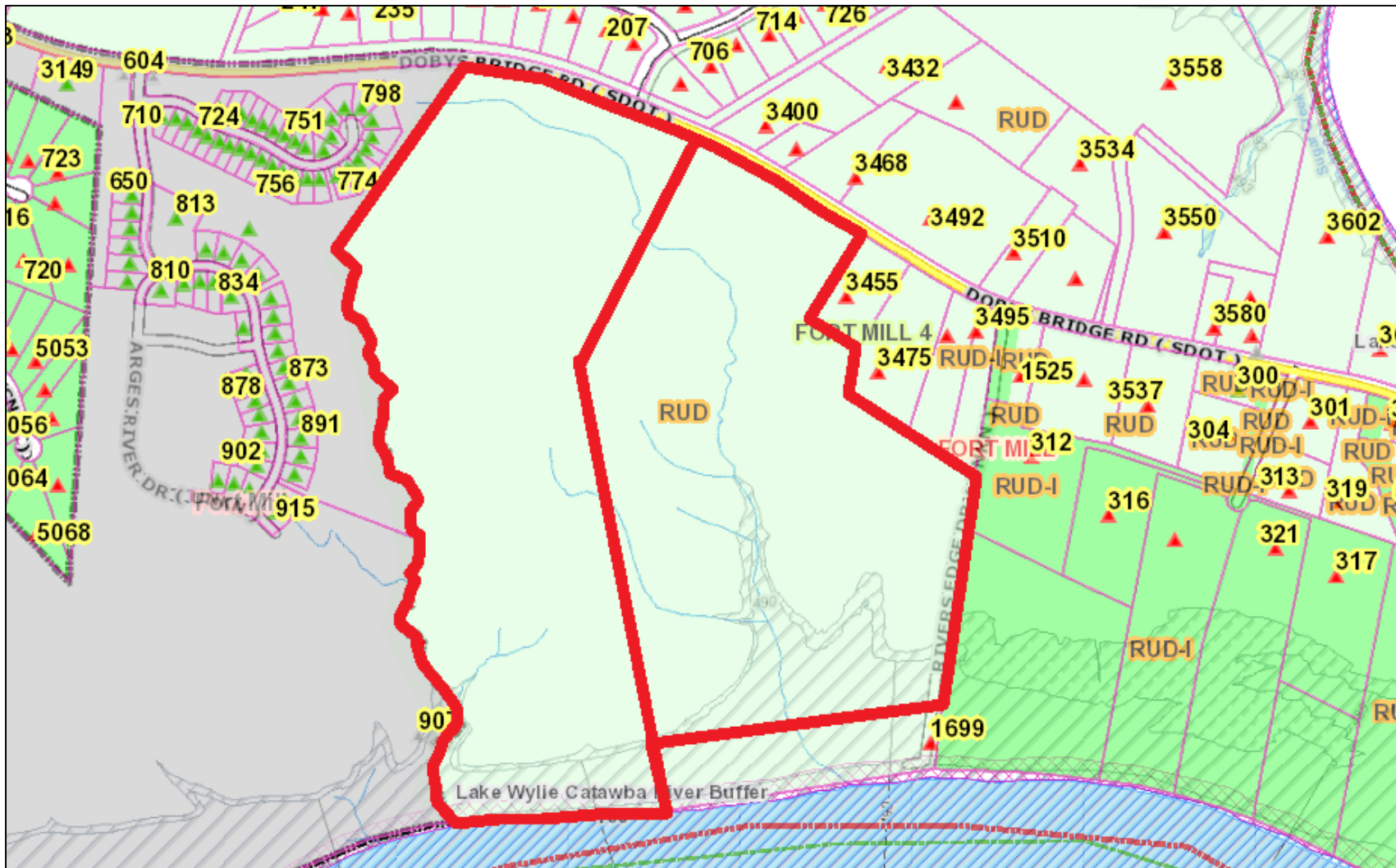
Property Description

All those certain pieces, parcels or tracts of land lying, being and situate in Fort Mill Township, County of York, State of South Carolina, containing 168 acres, more or less, containing all the property shown in the map attached as Exhibit B, and being more particularly described as York County Tax Map Numbers 774-00-00-004 & 774-00-00-005.

Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

EXHIBIT B

Property Map
York County Tax Map # 774-00-00-004 & 774-00-00-005



**Planning Commission Meeting
August 26, 2014
New Business Item**

Annexation Request: William E. White Jr. & Sidney A. White III Property

An ordinance annexing York County Tax Map Numbers 707-00-00-031, 707-00-00-048 (p), and 707-00-00-054 (p), containing approximately 35 acres on Whites Road

Background / Discussion

The town has received a petition from William E. White, Jr., and Sidney A. White III, the owners of record for York County Tax Map Numbers 707-00-00-031, 707-00-00-048 (p), and 707-00-00-054 (p), requesting annexation request for approximately 35 acres +/- located on Whites Road. A property map and description are attached for reference.

The subject parcel is located adjacent to the Dominion Bridge subdivision (zoned PND), as well as the future Pecan Ridge subdivision (zoned R-5), both of which are located inside the town limits. Therefore, the subject property meets the contiguity requirement as established by state law.

The subject parcels are currently zoned Rural Development District (RUD) per York County GIS. The county's RUD district allows farming and agricultural uses, campgrounds, churches, community centers, daycare centers, kennels, nursing homes, recreational facilities, and schools. A variety of residential uses, including single-family detached residences, single family detached housing developments (one acre per dwelling), modular homes, and manufactured homes, are also permitted.

The applicant has requested a zoning designation of R-5 Residential. The R-5 district was adopted by the town council on June 24, 2013, and is now available for use within the town limits. The R-5 district allows for single family residences – both detached and attached (townhomes) – as well as a limited number of non-residential uses, such as public facilities, religious institutions, and customary home occupations. The minimum lot size is 5,000 sf for single-family dwellings, and 1,500 sf for townhomes. The R-5 district contains a minimum open space requirement of 20%, as well as a project edge buffer of 35' along property lines adjacent to existing residential development. **NOTE: There is currently a text amendment pending that would remove townhomes from the list of permitted uses within the R-5 district. The draft amendment recommended by staff would also limit residential density in the R-5 district to 3 dwelling units per acre by right, and 5 DUA with an approved development agreement.**

The property is currently under contract for sale to Hunton Capital Partners, who is serving as the applicant. HCP has stated that its intended use for the property, upon annexation, will be to develop a single-family residential subdivision.

The three parcels currently make up approximately 43 acres. The applicants are currently in the process of subdividing out a new parcel with the county. This new parcel will be excluded from the annexation. Therefore, the ordinance will apply only to those portions of York County Tax

Map Numbers 707-00-00-048 and 707-00-00-054 that remain after the subdivision is approved. A new survey will be completed prior to final reading of the annexation ordinance. A copy of the preliminary survey is attached as part of the draft annexation ordinance.

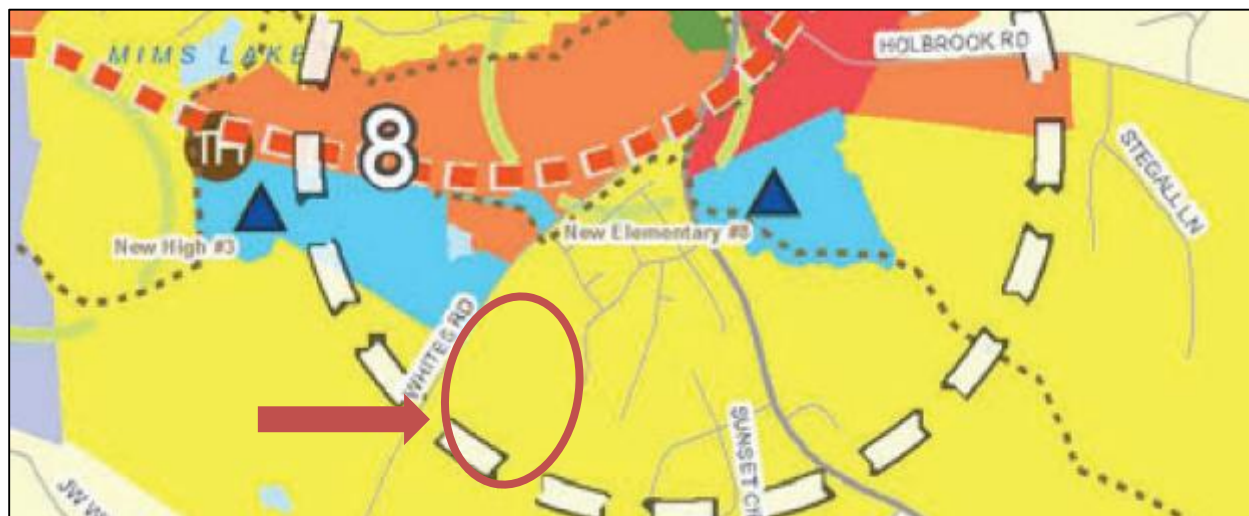
Recommendation

The property is contiguous to the town limits and is, therefore, eligible for annexation.

The subject property is located within an area that has been designated as “Medium-Density Residential” on the Town of Fort Mill’s Future Land Use Map, last updated in January 2013. The comprehensive plan identifies “Medium Density” as 3-5 dwelling units per acre.

The parcels are also located on the periphery of a development node defined as Node 8. The comprehensive plan recommended the following types of development within Node 8:

“Development in Node 8 will primarily be higher density residential near the center of the node and along the Fort Mill Southern Bypass, with neighborhood commercial near the intersection of Doby’s Bridge Road and the Bypass, and medium density residential near the periphery including townhomes and apartments, transitions to single family detached homes to the east and south near the river.”



The developer’s preliminary estimates for this property put the total number of single-family lots at less than 100. This number may be subject to change once engineered drawings are completed. Based on the total acreage of the property (35 acres +/-), the preliminary density would be 2.85 units per acre or less. A project with an overall density of approximately 3-5 dwelling units per acre (105-175) would be consistent with the recommendations of the future land use map.

The property is anticipated to have at least one access point on Whites Road. Additional traffic impact would be expected on Fort Mill Parkway, N/S Dobys Bridge Road, and to a lesser extent, the future east-west connector road across the Waterside on the Catawba subdivision, which is now under development to the south of the subject property.

Below is a summary of current daily traffic volumes and capacities for adjacent roadways:

Roadway Name(s)	2012 AADT	2013 AADT	2013 Capacity
Whites Road	No Count	No Count	NA%
Fort Mill Parkway (Opened 2014)	No Count	No Count	NA%
S Dobys Bridge Road	9,000	9,100	105%
N Dobys Bridge Road	10,700	11,900	110%

Sources: SCDOT Average Daily Traffic (2012 & 2013), York County GIS

While SCDOT does not currently publish traffic counts for Whites Road, it is worth noting that there are several other projects planned along this two-lane corridor, including:

- Waterside on the Catawba (Lennar) -- 1,048 homes currently under development (Up to 1,300 permitted) per Mixed Use Concept Plan & Development Conditions
- McAlhaney Tract (Springland) -- Up to 845 homes and 150,000 SF commercial allowed per Development Agreement
- Pecan Ridge (Trinity Land Group) -- Up to 200 homes allowed per Development Agreement
- Future High School #3 (Fort Mill School District) -- Planned for the intersection of Fort Mill Parkway and Whites Road

If the proposed project remains under 100 units, a full traffic impact analysis will not be required by the zoning ordinance. Because this project will require a permit to access Whites Road from SCDOT, the state may still require a traffic study. Given the fact that SCDOT does not maintain annual counts for Whites Road, staff would support and recommend a further analysis of current and future capacity on Whites Road. Any improvements deemed necessary by SCDOT to access Whites Road must be constructed at the applicant's expense prior to approval of a preliminary plat.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development.

Joe Cronin
Planning Director
August 15, 2014

Date: 8.7.14

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, I/we respectfully request that the Town of Fort Mill annex the property into the Town limits. I/we also request that the property be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: _____

Tax Map Number: parcel 7070000031 _____

Total Acreage: approximately 5 acres _____

Zoning Designation Requested: R5 _____

Property Owners: William White, Jr. _____

Print Name(s):

Signature(s):

William White, Jr. _____

 _____

Date: 8.7.14

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, I/we respectfully request that the Town of Fort Mill annex a portion of the property into the Town limits. I/we also request that the property be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: _____

Tax Map Number: A portion of parcels 7070000048 and 7070000054 to be surveyed out and recorded before final reading and approval by town council

Total Acreage: approximately 30 acres

Zoning Designation Requested: R5

Property Owners: Sidney A White III

Print Name(s):

Signature(s):

Sidney A. White III



ORDINANCE NO. 2014-__

highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

SECTION II. Zoning Classification of Annexed Property. The above-described property, upon annexation into the corporate limits of the Town of Fort Mill, shall be zoned, as follows: **R-5 Residential.**

SECTION III. Voting District. For the purpose of municipal elections, the above-described property, upon annexation into the incorporated limits of the Town of Fort Mill, shall be assigned to and made a part of Ward Four (4).

SECTION IV. Notification. Notice of the annexation of the above-described area and the inclusion thereof within the incorporated limits of the Town of Fort Mill shall forthwith be filed with the Secretary of State of South Carolina (SCSOS), the South Carolina Department of Public Safety (SCDPS), and the South Carolina Department of Transportation (SCDOT), pursuant to S.C. Code § 5-3-90(E).

SECTION V. Severability. If any section, subsection, or clause of this resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this _____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the _____ day of _____, 2014.

First Reading: September 8, 2014
Public Hearing: October 13, 2014
Second Reading: October 13, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

EXHIBIT A

Property Description

All those certain pieces, parcels or tracts of land lying, being and situate in Fort Mill Township, County of York, State of South Carolina, containing 35 acres, more or less, containing all the property shown in the map attached as Exhibit B, and being more particularly described as York County Tax Map Numbers 707-00-00-031, 707-00-00-048 (portion), and 707-00-00-054 (portion).

Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

Property Map

York County Tax Map # 707-00-00-031, 707-00-00-048 (portion), and 707-00-00-054 (portion).



Planning Commission Meeting
August 26, 2014
New Business Item

Text Amendment: Nonconforming Uses & Structures

An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article IX, Legal Status Provisions; Section 3, Nonconforming uses; so as to amend the requirements pertaining to the reestablishment and reconstruction of nonconforming uses and structures

Background / Discussion

Town staff has been notified by residents in the Cascades at River Crossing and the Townes at River Crossing, two nonconforming residential communities within the HC Highway Commercial zoning district, that several real estate purchase contracts have fallen through in recent weeks because of the “Legal Status” provisions within the town’s zoning ordinance. Specifically, banks have failed to lend mortgages on several homes due to the fact that these nonconforming structures could not be rebuilt if destroyed by fire or other disaster. Residents of these communities have petitioned for relief from the Planning Commission and Town Council.

The Planning Commission is asked to consider a text amendment to Article IX, Section 3, of the Zoning Ordinance for the Town of Fort Mill. If adopted, the attached text amendment would enact the following changes to the “Legal Status” provisions of the Zoning Ordinance:

- **Discontinuance**: This amendment will establish a specific time period for defining when a discontinuance of a nonconforming use has occurred. The Zoning Ordinance currently has no definition. The length of time recommended by staff in the draft ordinance is twelve (12) consecutive months for non-residential uses and twenty-four (24) months for residential uses. This amendment also includes language that prohibits a nonconforming use from being changed to, or exchanged for, a conforming use, and then back to a nonconforming use.
- **Rebuilding**: This amendment would increase the valuation threshold for when a damaged nonconforming structure may be rebuilt. The ordinance currently places this threshold at 50%; however, a review of neighboring jurisdictions finds that a more common threshold in our region is 75% (see attachments for examples from Tega Cay, York County and Rock Hill). The draft amendment also requires that any nonconforming use which is allowed to be rebuilt, altered or repaired after sustaining damage may not be any more nonconforming than the building it replaces, which will essentially limit reconstruction to the original footprint or foundation of the former structure.
- **Rebuilding (Residential)**: This amendment is specifically intended to address the issue referenced by the petitioners. This amendment would create a special provision for nonconforming residential structures that are razed by fire, natural causes, or other natural disasters. The amendment would allow a nonconforming residential structure to be rebuilt regardless of the amount of damage, provided the new structure may not be any more

nonconforming that the building it replaces, and provided a zoning compliance permit is issued within six months from the date the damage occurs.

Recommendation

The proposed ordinance will clean up several paragraphs within the Nonconforming Uses section of the Legal Status Provisions article.

The new paragraph dealing with nonconforming residential structures will also provide legislative relief to owners of nonconforming residential units, such as the Cascades at River Crossing and the Townes at River Crossing. The provisions would also provide additional protections for homeowners in older neighborhoods where existing homes do not meet current zoning guidelines, such as setback requirements, as well as communities developed under a PND (such as Massey and Springfield), and communities annexed and rezoned after construction activities were completed (such as Sandy Pointe).

Staff recommends in favor of the proposed text amendment.

Joe Cronin
Planning Director
August 11, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE IX, LEGAL STATUS PROVISIONS; SECTION 3, NONCONFORMING USES; SO AS TO AMEND THE REQUIREMENTS PERTAINING TO THE REESTABLISHMENT AND RECONSTRUCTION OF NONCONFORMING USES AND STRUCTURES

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

SECTION I. Amending the Nonconforming Uses Provisions. The Zoning Ordinance for the Town of Fort Mill; Article IX, Legal Status Provisions; Section 3, Nonconforming Uses; is hereby amended to read as follows:

Sec. 3. Nonconforming uses and structures.

After the effective date of this ordinance, ~~structures or uses of land or structures~~ any use or structure which would be prohibited under the provisions ~~for the district in which it is located of this ordinance~~ shall be considered as a legal nonconforming uses or structure. Any such use or structure may ~~be continued~~ continue to exist, subject to the following provisions: ~~They shall not be:~~

- 1) A nonconforming use or structure may not be changed to or exchanged for another nonconforming use or structure, except to be brought into conformity with this ordinance.
- 2) A nonconforming use or structure may not be enlarged or extended, except to be brought into conformity with this ordinance.
- 3) A nonconforming use may not be reestablished after discontinuance for a period of twelve (12) consecutive months if a non-residential use and twenty-four (24) consecutive months if a residential use. if a commercial structure, or if a residential structure may only be reestablished to the extent of the original foundation. When a discontinuance is caused by a nonconforming use having been changed to or exchanged for another conforming use, the previous nonconforming use may not be reestablished.
- 4) A nonconforming structure may not be rebuilt, altered or repaired after damage exceeding ~~50~~ seventy-five (75%) percent of its assessed valuation before such damage occurred, as determined by the building official, ~~immediately before such damage~~, unless it is brought into conformity with this ordinance. A nonconforming structure which has sustained damage less than or equal to seventy-five (75%) percent of its valuation may be rebuilt, altered or repaired, provided the reconstruction, alterations or repairs do not increase the degree of nonconformity in any respect.

- 5) Notwithstanding the previous paragraph, any nonconforming residential structure, or portion thereof, may be replaced if razed by fire, natural causes, or other natural disasters, provided, the replacement does not increase the degree of nonconformity in any respect and a zoning compliance permit is issued within six (6) months from the date the damage occurs. Any residential structure reconstructed under the provisions of this paragraph shall be subject to current building codes pursuant to the Code of Ordinances for the Town of Fort Mill; Chapter 6, Buildings and Building Regulations; Article II, Technical Codes. Where appropriate, any residential structure reconstructed under the provisions of this paragraph shall also be subject to current flood prevention codes, pursuant to the Code of Ordinances for the Town of Fort Mill; Chapter 20, Floods; Article II, Flood Damage Prevention.

SECTION II. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, the validity of the remaining sections, subsections, paragraphs, clauses, or provisions shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall take effect upon adoption by the Town Council.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 25, 2014
Public Hearing: September 8, 2014
Second Reading: September 8, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Town Attorney

Dana Powell, Interim Town Clerk

Tega Cay

Article VIII. Nonconformities

Sec. 19-126. Reconstruction of damaged structures.

- (a) If a nonconforming residential structure or portion thereof is damaged or destroyed to the extent of more than 75 percent of its replacement cost at the time of the damage or destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. If the damage or destruction is less than 75 percent of its replacement cost, reconstruction must be completed within one year of the occurrence of the damage; otherwise the reconstruction must conform to the provisions of this ordinance.
- (b) Subject to subsection (c) [of this section] below, if a nonconforming, nonresidential structure is damaged, the structure may be repaired and restored to its original dimensions and conditions so long as the reconstruction will not adversely impact, in the judgment of the zoning administrator, public health, safety, and general welfare, and the reconstruction is completed within one year of the occurrence of the damage.
- (c) If a nonresidential structure containing a nonconforming use is destroyed or damaged to the extent described in subsection (a) [of this section] above, the structure may be repaired or restored in accordance with subsection (b) [of this section] above, but the nonconforming use shall not be resumed.

Rock Hill

Article 8. Nonconformities

8-300(B) Reconstruction after Damage

- (1) *Destruction or Damage Greater than Seventy-Five Percent (75%) of Value.* In the event the nonconforming portion of a structure is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of its structural replacement cost at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.
- (2) *Seventy-Five Percent (75%) or Less of Value.* In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of seventy-five percent (75%) or less of its structural replacement cost at the time of damage or destruction, it may be rebuilt to its previous form if a Building Permit for such repair or restoration is obtained within six (6) months, and repair or restoration is actually begun within twelve (12) months after the date of such partial damage or destruction and is diligently pursued to completion.

York County

Chapter 155. Zoning Code

Section 155.554. Nonconforming Buildings

Any nonconforming building or portion thereof may be replaced if razed by fire, natural causes, or other natural disasters, provided, the replacement does not increase the degree of nonconformity in any respect and a zoning compliance is issued within six months of the date of the damage. Any nonconforming building or portion thereof which is not razed by fire, natural causes, or other natural disasters will be required to conform to all applicable development standards upon reconstruction.

PETITION

To the Honorable Mayor and Council of the Town of Fort Mill:

We, the undersigned residents of **The Cascades at River Crossing**, do hereby request the Town Council's consideration of one or more of the following actions so as to provide relief to homeowners within the subdivision as a result of single-family attached residences (townhomes) being considered a non-conforming use within the subdivision's current zoning district of HC Highway Commercial:

- Re-zone the above-referenced subdivision to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
- Amend Article II, Section 9, of the Zoning Ordinance (HC Highway Commercial District) to allow residential uses, which, until April 2006, were previously allowed by right within the HC district; or
- Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses), so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Frank F. Byrne	Residence: 5056 Kamkar Ct. Indian Land, SC 29707 Part Owner of 415 Delta Dr. Fort Mill SC 29715	<i>Frank F. Byrne</i>	08 / 02 / 2014
Robyn L. Byrne	Residence: 5056 Kamkar Ct. Indian Land, SC 29707 Part Owner of 415 Delta Dr. Fort Mill SC 29715	<i>Robyn L. Byrne</i>	08 / 02 / 2014
Alastair Jones	Residence: 5056 Kamkar Ct. Indian Land, SC 29707 Part Owner of 415 Delta Dr. Fort Mill SC 29715	<i>Alastair Jones</i>	08 / 02 / 2014
Tamara Jones	Residence: 5056 Kamkar Ct. Indian Land, SC 29707 Part Owner of 415 Delta Dr. Fort Mill SC 29715	<i>Tamara Jones</i>	08 / 02 / 2014
Steven Case	1007 Silver Springs Rd Fort Mill, SC	<i>Steven Case</i>	8/4/2014
Judy Long	1011 Silver Springs	<i>Judy Long</i>	8/4/2014
TOM GORMLEY	1007 Silver Springs Rd Fort Mill, SC	<i>Tom Gormley</i>	8/4/14

To the Honorable Mayor and Council of the Town of Fort Mill:

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Jessica Nims 286 PAU RHE-NAME Synthesis 7/31/14

PETITION

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- **Re-zone the above-referenced subdivision** to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
- **Amend Article II, Section 9, of the Zoning Ordinance (HC Highway Commercial District)** to allow residential uses, which, until April 2006, were previously allowed by right within the HC district; or
- **Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses)**, so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Patricio & Aileen Ciocon	719 Brienza Beach Way Fort Mill, SC 29715	<i>Patricio & Aileen Ciocon</i>	July 31, 2014

5 of 11

PETITION

To the Honorable Mayor and Council of the Town of Fort Mill:

We, the undersigned residents of The Cascades at River Crossing, do hereby request the Town Council's consideration of one or more of the following actions so as to provide relief to homeowners within the subdivision as a result of single-family attached residences (townhomes) being considered a non-conforming use within the subdivision's current zoning district of HC Highway Commercial:

- Re-zone the above-referenced subdivision to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
- Amend Article II, Section 9, of the Zoning Ordinance (HC Highway Commercial District) to allow residential uses, which, until April 2006, were previously allowed by right within the HC district; or
- Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses), so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Timothy Smith	916 Little Creek Dr	[Signature]	7/31/14
ROSEMARY DEGRAN	207 TAIL RACE LANE	Rosemary Degran	8/1/14
RUTH OWEN	402 DELTA	Ruth Owen	8/1/14
Rosemarie Ricci	627 Fountain Ct	Rosemarie Ricci	8/1/14
Marilyn Goyen	503 Delta Drive	Marilyn Goyen	8-1-14
Inez Hicks	124 Tail Race Ln	Inez Hicks	8-1-14
Jane Chase	521 Delta Drive	Jane E Chase	8/1/14
Brad Whiteside	922 Little Creek Dr	[Signature]	8-1-14
Judy Jones	525 Delta Dr	Judy Jones	8/1/14
Ivette Diaz	262 Tail Race Lane	Ivette Diaz	8-1-14
JOAN MILLS	620 Fountain Ct	Joan Mills	8-1-14
John Feehan	277 TAIL RACE LN	[Signature]	8-1-14
Elizabeth Feehan	277 TAIL RACE LN	Elizabeth Feehan	8-1-14
Dave Williams	279 Tail Race Ln	[Signature]	8-1-14
Kathleen Hegarty	498 Delta Dr.	Kathleen H	8/1/14

PETITION

To the Honorable Mayor and Council of the Town of Fort Mill:

We, the undersigned residents of **The Cascades at River Crossing**, do hereby request the Town Council's consideration of one or more of the following actions so as to provide relief to homeowners within the subdivision as a result of single-family attached residences (townhomes) being considered a non-conforming use within the subdivision's current zoning district of HC Highway Commercial:

- **Re-zone the above-referenced subdivision** to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
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- **Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses)**, so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
John Sierka	533 Delta Drive	[Signature]	7/31/14
James MJ	525 Delta Drive	[Signature]	7/31/14
Tom Greiner	507 Delta Drive	[Signature]	7/31/14
Mander Messay Kline	509 Delta Drive	[Signature]	7/31/14
Danya Parker	477 Delta Dr.	[Signature]	7/31/14
BRENDA CUREY	445 Delta Dr.	[Signature]	7/31/14
Arleathia S. Boyd	413 Delta Dr.	[Signature]	7/31/14
Dennis J. Betts	461 Delta Dr.	[Signature]	7/31/14
Judyann Rbideau	1133 Geyser Ct.	[Signature]	7/31/14
Adell Wasiewicz	443 Delta Dr.	[Signature]	7/31/14
Karen Milstead	494 Delta Dr.	[Signature]	7-31-14
RONALD LEN	636 FOUNTAIN CT	[Signature]	7-31-14
Malissa Ruff	209 Tail Run Ln	[Signature]	7-31-14
Nathan Ruff	635 Fountain Ct	[Signature]	7-31-14
Allison Knapp	684 Fountain Ct.	[Signature]	7-31-14

PETITION

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NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Diane Brooks	111 Crystal Springs	Diane Brooks	7-31-14
FRED JOSTER	105 CRYSTAL SPRINGS	Fred Joster	7/31/14
Jean Lander	411 Delta Dr.	Jean Lander	7-31-14
JOHN A LANDER	411 DELTA DR	John A Lander	7-31-14
Michael L. Dore	115 CRYSTAL SPRINGS CT	Michael L Dore	7-31-14
KEVIN EMERSON	113 CRYSTAL SPRINGS CT	Kevin Emerson	7-31-14
ALISON SQUITIERI	113 CRYSTAL SPRINGS CT	Alison Squitieri	7-31-14
Amber Ballard	107 Crystal Springs Ct	Amber Ballard	7/31/14
Patricia Stroud	1023 Silver Springs	Patricia Stroud	8/1/14
Glenn Edwards	717 Brienza Beachway	Glenn Edwards	8/1/14
Kimberly E. Moore	248 Tail Race Ln	Kimberly E Moore	8/1/2014
BRIAN HARTEE	251 TAIL RACE LN	Brian HarTEE	8/1/2014
Sharon Mikan	625 Fountain Ct.	Sharon Mikan	8/1/14
M. HALEY	140 RABBIT	M. Haley	8/1/14
Jennifer Jones	922 Little Creek Dr.	Jennifer Jones	8/1/14

PETITION

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- **Re-zone the above-referenced subdivision** to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
- **Amend Article II, Section 9, of the Zoning Ordinance (HC Highway Commercial District)** to allow residential uses, which, until April 2006, were previously allowed by right within the HC district; or
- **Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses)**, so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Valerie Moeller	918 Little Creek Dr.	Valerie Moeller	8-2-14
Matthew Moeller	918 Little Creek Dr.	Matthew Moeller	8-2-2014
Tracy Blue	537 Delta Dr.	Tracy Blue	8-2-2014
Judy Horine	519 Delta Dr.	Judy Horine	8/2/14
Dawn Weingartner	408 Delta Dr.	Dawn Weingartner	8/3/14
Robert Weingartner	408 Delta Dr.	Robert Weingartner	8/3/14
Angela Dawn Sayer	406 Delta Dr.	Angela Dawn Sayer	8/3/2014
GARY H. PARKS	109 CRYSTAL SPRINGS	GARY H. PARKS	8/3/2014
Chris Webb	418 Delta	Chris Webb	8/3/14
ROY O. COOPER	415 DELTA DR.	ROY O. COOPER	8/3/14
Lisa Owens	423 Delta Dr.	Lisa Owens	8-3-14
Eric Hicks	424 Delta Dr.	Eric Hicks	8-3-14
Justin			
James Cook	631 Fountain Court	James Cook	8-3-14
Dawn A. Mah	628 Fountain Ct	Dawn A. Mah	8-3-14

PETITION

To the Honorable Mayor and Council of the Town of Fort Mill:

We, the undersigned residents of **The Cascades at River Crossing**, do hereby request the Town Council's consideration of one or more of the following actions so as to provide relief to homeowners within the subdivision as a result of single-family attached residences (townhomes) being considered a non-conforming use within the subdivision's current zoning district of HC Highway Commercial:

- **Re-zone the above-referenced subdivision** to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
- **Amend Article II, Section 9, of the Zoning Ordinance (HC Highway Commercial District)** to allow residential uses, which, until April 2006, were previously allowed by right within the HC district; or
- **Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses)**, so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Sharon Fratus	228 Tail Race	Sharon Fratus	7/31/14
Mike Fratus	228 Tail Race	Mike Fratus	7/31/14
NORM MILLS	620 FOUNTAIN	NORM MILLS	7/31/14
Robin Roberts	138 Rapids Rd	Robin Roberts	8/2/14
CONNIE LOWMAN	203 Tail Race	Connie Lowman	8/2/14
Brian Lowman	203 Tail Race	Brian Lowman	8/2/14
Cleopatra Allen	913 Little Creek	Cleopatra Allen	8/2/14
Athens Adams	511 Delta	Athens Adams	8/2/14
Kelly Collins	1115 Geyser	Kelly Collins	8/2/14
Jared Karalunas	1115 Geyser	Jared Karalunas	8/2/14
Robin Funk	1135 Geyser Ct.	Robin Funk	8/2/14
Nicole REXINATI	138 Rapids Rd	Nicole REXINATI	8-2-14
Carrie Henderson	1018 Silver Springs Rd.	Carrie Henderson	8/2/14
Terry Henderson Jr.	"	Terry Henderson Jr.	8/2/14
Sandra Coplaro	638 Fountain Ct.	Sandra Coplaro	8/2/14

PETITION

To the Honorable Mayor and Council of the Town of Fort Mill:

We, the undersigned residents of **The Cascades at River Crossing**, do hereby request the Town Council's consideration of one or more of the following actions so as to provide relief to homeowners within the subdivision as a result of single-family attached residences (townhomes) being considered a non-conforming use within the subdivision's current zoning district of HC Highway Commercial:

- Re-zone the above-referenced subdivision to a district other than HC Highway Commercial, provided the new district allows townhomes by right;
- Amend Article II, Section 9, of the Zoning Ordinance (HC Highway Commercial District) to allow residential uses, which, until April 2006, were previously allowed by right within the HC district; or
- Amend Article IX, Section 3, of the Zoning Ordinance (Nonconforming Uses), so as to provide an exception authorizing non-conforming residential uses to be rebuilt, altered or repaired after damaged or destroyed, even if such damage or destruction exceeds 50% of the building's valuation.

NAME (PRINT)	ADDRESS	SIGNATURE	DATE
Jill Hawn	465 Delta	Jill Hawn	7/31/14
Diane Bolles	422 Delta	Diane Bolles	8/2/14
KOSALIE KASSE	481 DELTA Dr	Kosalie Kasse	8/2/14
Jackie K. Brockington, Jr.	238 Tail Race Lane	Jackie K. Brockington, Jr.	08/02/14
Shantika Holliday Brockington	238 Tail Race Lane	Shantika Holliday Brockington	08/02/14
Robert K. Brockington	1113 Geyser	Robert K. Brockington	8/2/14
Kelly A. Walker	258 Tail Race Lane	Kelly A. Walker	8/2/14
Mary K. Walker	258 Tail Race Lane	Mary K. Walker	8/2/14
Kim Walker	258 Tail Race Ln	Kim Walker	8/2/2014
Kim Mauer	134 Rapids Rd	Kim Mauer	8/2/2014
Eric Rekitt	242 Tail Race Ln.	Eric Rekitt	8/2/2014
KATHY MOSS	709 BRIENZA BEACH WAY	Kathy Moss	8/2/2014
Bridget Adams	224 Tail Race Lane	Bridget Adams	8-4-2014
Debbie Lister	705 Brienza Beach Way	Debbie Lister	8-3-2014
Christina Mable	1010 Silver Springs Rd	Christina Mable	8-3-2014

August 6, 2014

Planning Commission/Town Council

Town of Fort Mill

112 Confederate Street

Fort Mill, South Carolina 29715

Ladies and Gentlemen of the Commission:

It has come to our attention that when our community (Townes at River Crossing) was constructed over 10 years ago, the land beneath it was zoned "HC Highway Commercial" and allowed development and construction of residential homes. Apparently in 2006, the committee allowed re-zoning which resulted in the elimination of residential land use. Further, we have been told that should one of our buildings burn or be destroyed over 50% in some way, we would be prevented from rebuilding it based on the ordinance in place. Ladies and Gentlemen, we are a community of 125 homeowners and should this happen, it would be financially devastating to our community.

Therefore we, the Board of Townes at River Crossing, respectfully request that the land deeded to Townes at River Crossing be re-zoned immediately to include residential use to prevent said financial devastation should something catastrophic happen to one or more of our homes.

The members of our board have only been active since 2009, and we do not have any record from the prior board of this change or we would have addressed it much sooner. We understand that Cascades at River Crossing, which is right across the street from our development, has submitted a similar request and we hope you will act favorably on both petitions.

We sincerely appreciate your consideration of our request and will await anxiously to hear from you.

With kind regards,

- 1) *Kathleen A. Forrester, President*
- 2) *Donna Gregg, Vice President*
- 3) *DR Treasurer*
- 4) *Gina Clowrey, Secretary*

Townes at River Crossing, Board of Directors

Planning Commission Meeting
August 26, 2014
New Business Item

Text Amendment: Amend R-5 District & Create RT-4, RT-8 and RT-12 Districts

An ordinance amending the Zoning Ordinance for the Town of Fort Mill; Article I, In General; Section 5, Establishment of Districts; so as to add three new zoning districts to the list of districts established within the town; Article II, Requirements by Districts; Section 23, R-5 Residential District; so as to remove townhomes from the list of permitted uses within the R-5 District; and Article II, Requirements by Districts; so as to add three new sections to be called Section 25, RT-4 Residential District; Section 26, RT-8 Residential District; and Section 27, RT-12 Residential District

Background / Discussion

The Planning Commission is asked to consider a text amendment to the R-5 residential zoning district. This ordinance was drafted at the Planning Commission's request in order to address a couple issues that have arisen since the R-5 district was first created in 2013. The draft ordinance was specifically designed to accomplish the following:

- Removes single-family attached residences (townhomes) from the list of permitted uses within the R-5 district. One of the issues raised by the Planning Commission is that the current R-5 ordinances allows the possibility of a "bait-and-switch" in regards to use and density. A rezoning approved on the promise of a single-family subdivision with 5,000 square foot lots, for example, could later be developed as a townhome community with 1,500 minimum square foot lots, resulting in 2-3 times the overall density. In order to address this possibility, the town has had to enter into development agreements to ensure townhomes would not be developed in areas designated for medium-density single-family development (such as Pecan Ridge on Whites Road). Removing townhomes from the R-5 district would preserve the flexibility allowed for medium-density single-family development, but eliminate the possibility of unintended, and significantly higher, densities at a later date.
- Establishes a maximum gross residential density (by right) for new subdivisions within the R-5 district. The recommended density for new residential subdivisions in the draft ordinance is set at 3 dwelling units per acre. This was another amendment recommended by the Planning Commission. The R-5 district was created in 2013 to offer a zoning district that allowed for medium-density residential development (3-5 units per acre) in areas designated as such in the 2013 comprehensive plan update. The R-5 district also offered some of the flexibility of a PND or Mixed Use district, without forcing non-residential uses in areas where they would be unwarranted or unsuccessful. By allowing densities of up to 3 dwelling units per acre (DUA) by right, the R-5 district will still provide an option for medium-density development, while remaining consistent with the comprehensive plan. The ordinance also allows densities of up to 5 dwelling units per acre upon approval of a

development agreement between the town and an applicant. This amendment will give a greater degree of control over residential densities in the R-5 district.

One item that was considered, but ultimately not included in the draft ordinance, was the option of allowing density bonuses where additional open space and/or buffers are provided. For example, each 1% increase in open space provided above the 20% minimum could result in an additional 1% allowance in gross residential density. Therefore, a development with 30% open space would be allowed an additional 10% density allowance (3 DUA x 110% = 3.3 DUA). Bonuses such as these would be a policy decision for the Planning Commission and Council.

Should townhomes be removed from the R-5 district as recommended, the Planning Commission is also asked to consider a text amendment to the Zoning Ordinance so as to create one or more new districts for townhome communities.

The draft ordinance includes a request to create three separate townhome districts: RT-4, RT-8, and RT-12. These three districts will allow for development of townhome communities of varying densities.

The chart below highlights the differences between the current R-5 ordinance (which allows townhomes), the proposed R-5 amendments contained within the draft ordinance, and the proposed townhome-specific districts which are also proposed in the draft ordinance. The townhome district names are intended to correspond to the allowable densities within each district (4 DUA, 8 DUA, and 12 DUA).

As evidenced from the chart below, the focus of each townhome district is on overall density, rather than lot sizes, dimensions and setback requirements. The minimum dimensional requirements for townhome lots are substantially similar to what is included in the current R-5 district; however, we have recommended some additional allowances to incentivize certain design standards (such as rear alley access). Staff also recommends in the draft ordinance that as the allowable density is permitted to increase, so too should the open space and buffer requirements increase.

	R-5 (Current)	R-5 (Amended)	RT-4 (New)	RT-8 (New)	RT-12 (New)
Allowable Uses	SF, TH, NA, PFL, RI, UT (c)	SF, NA, PFL, RI, UT (c)	TH, NA, PFL, RI, UT (c)	TH, NA, PFL, RI, UT (c)	TH, NA, PFL, RI, UT (c)
Max. Density	N/A	3-5 DUA	4 DUA	8 DUA	12 DUA
Min. Lot Area	1,500 TH 5,000 Other	5,000 *	1,500 TH * 5,000 Other	1,500 TH * 5,000 Other	1,500 TH * 5,000 Other
Min. Lot Width	20' TH * 50' Other *	50' *	15' TH * 50' Other	15' TH * 50' Other	15' TH * 50' Other
Min. Front Yard	0/5' TH 10' Other	10' SF 20' Other	0/5' TH 20' Other	0/5' TH 20' Other	0/5' TH 20' Other

Min. Side Yard	0/5' TH 5' Other	5' SF 10' Other	0/5' 10' Other	0/5' 10' Other	0/5' 10' Other
Min. Rear Yard	0/5' TH 15' Other	15' SF 20' Other	10' TH 20' Other	10' TH 20' Other	10' TH 20' Other
Max. Bldg. Height	35'	35'	45'	45'	45'
Min. Open Space	20% *	20% *	20% *	30% *	40% *
Buffer	35' *	35' *	35' *	50' *	75' *
Sidewalks	Both Sides	Both Sides	Both Sides	Both Sides	Both Sides
TIA Required	Yes (100+)	Yes (100+)	Yes (100+)	Yes (100+)	Yes (100+)

Note 1: SF – Single-Family Detached; TH – Townhome; NA – Neighborhood Amenity; PFL – Public Facility or Land; RI – Religious Institution; UT – Utility Installation (C=Conditional).

Note 2: * Indicates the availability of an incentive or reduction.

Recommendation

Staff recommends in favor of the text amendment.

Should council choose to adopt the amendments drafted by staff, it is our recommendation that the new and revised district designations be applied in the future as follows:

District	Recommended Locations (As Defined by Comp Plan)
R-5 Residential (Amended)	Medium density residential areas (3-5 DUA)
RT-4 Residential District	Medium density residential areas (3-5 DUA)
RT-8 Residential District	High density residential areas, mixed use areas, and areas located within a development node
RT-12 Residential District	High density residential areas, mixed use areas, and areas located within a development node

Adopting this ordinance would not automatically rezone any existing townhome community. Rather, this ordinance would provide a district which could be applied to current and future townhome communities by separate rezoning actions.

Joe Cronin
Planning Director
August 13, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF FORT MILL; ARTICLE I, IN GENERAL; SECTION 5, ESTABLISHMENT OF DISTRICTS; SO AS TO ADD THREE NEW ZONING DISTRICTS TO THE LIST OF DISTRICTS ESTABLISHED WITHIN THE TOWN; ARTICLE II, REQUIREMENTS BY DISTRICTS; SECTION 23, R-5 RESIDENTIAL DISTRICT; SO AS TO REMOVE TOWNHOMES FROM THE LIST OF PERMITTED USES WITHIN THE R-5 DISTRICT; AND ARTICLE II, REQUIREMENTS BY DISTRICTS; SO AS TO ADD THREE NEW SECTIONS TO BE CALLED SECTION 25, RT-4 RESIDENTIAL DISTRICT; SECTION 26, RT-8 RESIDENTIAL DISTRICT; AND SECTION 27, RT-12 RESIDENTIAL DISTRICT

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

SECTION I. The Zoning Ordinance for the Town of Fort Mill; Article I, In General; Section 5, Establishment of Districts; is hereby amended to read as follows:

Sec. 5. – Establishment of Districts

For the purpose of this ordinance, the areas under the jurisdiction of the Fort Mill Planning Commission, Board of Zoning Appeals, Historic Review Board, and the town council are hereby divided into ~~23~~ 26 districts:

R-25 One-family residential
R-15 One-family residential
R-12 One-family residential
R-10 One-family residential
GR General residential
GR-A General residential-A
MHP Mobile home park
LC Local commercial
HC Highway commercial
GI General industrial
PCD Planned cluster development
SHPD Scenic highway planned development
HP Historic preservation
PND Planned neighborhood development
RC Resource conservation
TC Transitional commercial
LI Limited industrial
MXU Mixed use development
MID Municipal improvement

THCD Tom Hall Street corridor
UD Urban development
R-5 Residential
COD/COD-N Corridor Overlay District
RT-4 Residential district
RT-8 Residential district
RT-12 Residential district

SECTION II. The Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by Districts; Section 23, R-5 Residential District, is hereby amended to read as follows:

Sec. 23. – R-5 Residential district.

1. *Purpose of district:* It is the intent of this section that the R-5 residential zoning district be developed and reserved for medium-to-high density single-family ~~attached and detached~~ residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy residential environment, while allowing for flexibility in design standards, a variety in housing options, and enhanced protection for natural and environmental resources.
2. *Permitted uses:* The following uses shall be permitted in the R-5 zoning district:
 - ~~a. Single family attached residential dwellings~~
 - a. Single-family detached residential dwellings
 - b. Publicly owned building, facility, or land;
 - c. Private uses which are customarily associated with residential development, including:
 1. Clubhouses and activity centers
 2. Pools and poolhouses
 3. Off-street parking facilities
 4. Other amenities related to recreation and/or resident activities
 - d. Accessory use in compliance with the provisions of article I, section 7, subsection G;
 - e. Customary home occupations established under the regulations in article I, section 7, subsection F;
 - f. Religious institutions.

3. *Conditional uses:* The following uses shall be permitted in any R-5 zoning district on a conditional basis:
 - a. Public utility substation or subinstallation, including water towers; provided that:
 1. Such use is enclosed by a ~~painted or chain-link~~ fence or wall at least six feet in height above finish grade, or by some other screening material deemed appropriate as part of the appearance review process.
 2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and
 3. A landscaped strip not less than ten feet in width is planted and suitably maintained around the facility;
 - b. Temporary use in compliance with the provisions of article VI, section 4;
 - c. Daycare facilities or pre-school nursery, provided that any such facility must be licensed or registered by the appropriate state agency.
4. *Other requirements:* Unless otherwise specified elsewhere in this ordinance, uses permitted in R-5 districts shall be required to conform to the following standards:
 - a. Maximum density for new residential subdivisions:
 1. The maximum gross residential density for new residential subdivisions within the R-5 district shall be three (3) dwelling units per acre.
 2. Notwithstanding the preceding paragraph, the town council may authorize a maximum gross residential density of up to five (5) dwelling units per acre by entering into a development agreement with an applicant, based upon terms that are mutually agreeable to both the town and the applicant, consistent with Section 6-31-10 et seq of the South Carolina Code of Laws, 1976, as amended.
 3. For the purpose of this section, “gross residential density” shall be defined as the total number of residential units divided by the total acreage of land within the development.
 - b. Minimum lot area: 5,000 square feet; provided, however, that the minimum lot area may be reduced up to 20% for any single-family detached residential lot with rear alley loaded access.

- ~~1. For single family attached residential dwellings, the minimum lot area shall be 1,500 square feet.~~
 - ~~2. For all other permitted uses within the R-5 district, the minimum lot area shall be 5,000 square feet.~~
- ~~c. Minimum land area per dwelling unit:~~
- ~~1. For single family attached residential dwellings, the minimum lot area shall be 1,500 square feet per dwelling unit.~~
 - ~~2. For single family detached residential dwellings, the minimum lot area shall be 5,000 square feet per dwelling unit.~~
- c. Minimum lot width, measured at the building line: 50 feet; provided, however, that the minimum lot width may be reduced up to 20% for any single-family detached residential lot with rear alley loaded access.
- ~~1. For single family attached residential dwellings, the minimum lot width shall be 20 feet.~~
 - ~~2. For all other permitted uses within the R-5 district, the minimum lot width shall be 50 feet; provided, however, that the minimum lot width may be reduced up to 20% for any single family detached residential lot with rear alley loaded access.~~
- d. Minimum front yard depth, measured from the nearest street right-of-way line:
1. For single-family ~~attached~~ residential dwellings, ~~no front yard shall be required. Where a front yard is provided,~~ the minimum front yard setback shall be ~~5~~ 10 feet.
 2. For all other permitted uses within the R-5 district, the minimum front yard setback shall be ~~40~~ 20 feet.
 3. Awnings, steps, porches, balconies and eaves may encroach up to 5' into the required front yard setback area, where provided.
 4. For exceptions to this requirement, See article I, section 7, subsection E.
 5. Line of sight guidelines shall apply for all corner lots and may result in a larger front yard setback.

e. Minimum side yard:

1. For single-family ~~attached~~ residential dwellings, ~~no side yard shall be required.~~
~~Where a side yard is provided,~~ the minimum side yard setback shall be 5 feet.
2. For all other permitted uses within the R-5 district, the minimum side yard setback shall be ~~5~~ 10 feet.
3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
4. Awnings, steps, eaves, concrete or paver patios, and HVAC equipment may encroach up to 50% into the required side yard setback area.
5. Line of sight guidelines shall apply for all corner lots and may result in a larger side yard setback.
6. The minimum side yard setback for all accessory uses within the R-5 zoning district shall be 5 feet.

f. Minimum rear yard:

1. For single-family ~~attached~~ residential dwellings, ~~no rear yard shall be required.~~
~~Where a rear yard is provided,~~ the minimum rear yard setback shall be ~~5~~ 15 feet.
2. For all other permitted uses within the R-5 district, the minimum rear yard setback shall be ~~15~~ 20 feet.
3. For rear yard requirements pertaining to dual frontage lots, see article I, section 7, subsection D. For the purpose of this section, a private alley shall not be considered a road frontage.
4. Awnings, steps, eaves, concrete or paver patios, porches, balconies and HVAC equipment may encroach up to 5' into the required rear yard setback area.
5. The minimum rear yard setback for all accessory uses within the R-5 zoning district shall be 5 feet.
6. Line of sight guidelines shall apply for all corner lots and may result in a larger rear yard setback.

g. Maximum building height:

1. The maximum building height for all structures within the R-5 zoning district shall be 35 feet.
2. For exceptions to height regulations, see article I, section 7, subsection L.

h. Dedicated open space requirements:

1. For all new developments within the R-5 district, a minimum of 20% of the gross land area of the project shall be set aside as dedicated open space.
2. For all new developments that include rear alley loaded access on at least 75% of all residential units, the open space requirement may be reduced ~~to 10 percent of the gross land area of the project~~ by 25%.
3. Dedicated open space shall be provided in accordance with Section 19(4)(H), paragraphs 2-11, of the zoning ordinance.

i. Buffer requirements:

1. For all new developments within the R-5 district, a landscaped buffer at least 35' in width shall be required along all project edges abutting existing residential development, excluding road frontage, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the open space requirement. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required. Planted buffers shall contain a minimum of 9 evergreen trees and 20 evergreen shrubs for each 100 linear feet of buffer area.
2. The required width of any project boundary buffer may be reduced by ~~50 percent~~ 25%, provided a minimum six-foot opaque wall is constructed along the project boundary.

j. Sidewalk requirements:

1. Notwithstanding other provisions of the zoning ordinance or the Code of Ordinances for the Town of Fort Mill, all new developments within the R-5 district shall include sidewalks at least five (5) feet in width along both sides of any new or existing road frontage (excluding alleys). All sidewalks shall be constructed to comply with the standards of the town, South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).

2. New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.
- k. Traffic improvements.
1. A traffic impact analysis (TIA) shall be required for any new development that includes more than one hundred (100) residential units, or for any new development that is expected to generate an average of more than five hundred (500) vehicle trips per weekday. Any traffic improvements recommended by the TIA shall be installed at the developer's cost.
 2. Notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.
- l. Additional requirements: Uses permitted in R-5 zoning districts shall meet all standards set forth in article I, section 7, subsection I, pertaining to off-street parking, loading, and other requirements.
- m. Signs: Signs permitted in the R-5 zoning district, including the conditions under which they may be located, are set forth in article III.

SECTION III. The Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by Districts; is hereby amended to add a new section, to be called Section 25, which section shall read as follows:

Sec. 25. – RT-4 Residential District

1. Purpose of district: It is the intent of this section that the RT-4 residential zoning district be developed and reserved primarily for medium density single-family attached residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy residential environment, while allowing for flexibility in design standards, a variety in housing options, and enhanced protection for natural and environmental resources.
2. Permitted uses: The following uses shall be permitted in the RT-4 zoning district:

- a. Single-family attached residential dwellings (townhomes);
 - b. Publicly owned building, facility, or land;
 - c. Private uses which are customarily associated with residential development, including:
 - 1. Clubhouses and activity centers
 - 2. Pools and poolhouses
 - 3. Off-street parking facilities
 - 4. Other amenities related to recreation and/or resident activities
 - d. Accessory use in compliance with the provisions of article I, section 7, subsection G;
 - e. Customary home occupations established under the regulations in article I, section 7, subsection F;
 - f. Religious institutions.
3. Conditional uses: The following uses shall be permitted in any RT-4 zoning district on a conditional basis:
- a. Public utility substation or subinstallation, including water towers; provided that:
 - 1. Such use is enclosed by a fence or wall at least six feet in height above finish grade, or by some other screening material deemed appropriate as part of the appearance review process;
 - 2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and
 - 3. A landscaped strip not less than ten feet in width is planted and suitably maintained around the facility.
 - b. Temporary use in compliance with the provisions of article VI, section 4;
 - c. Daycare facilities or pre-school nursery, provided that any such facility must be licensed or registered by the appropriate state agency.

4. Other requirements: Unless otherwise specified elsewhere in this ordinance, uses permitted in RT-4 districts shall be required to conform to the following standards:

a. Maximum density for new residential subdivisions:

1. The maximum gross residential density for new townhome subdivisions within the RT-4 district shall be four (4) dwelling units per acre.
2. For the purpose of this section, “gross residential density” shall be defined as the total number of residential units divided by the total acreage of land within the development.

b. Minimum lot area:

1. For single-family attached residential dwellings, the minimum lot area shall be 1,500 square feet. The minimum lot area may be reduced to 1,000 square feet for any single-family detached residential lot with rear alley loaded access.
2. For all other permitted uses within the RT-4 district, the minimum lot area shall be 5,000 square feet.

c. Minimum lot width, measured at the building line:

1. For single-family attached residential dwellings, the minimum lot width shall be 15 feet. The minimum lot width may be reduced to 10 feet for any single-family detached residential lot with rear alley loaded access.
2. For all other permitted uses within the RT-4 district, the minimum lot width shall be 50 feet.

d. Minimum front yard depth, measured from the nearest street right-of-way line:

1. For single-family attached residential dwellings, no front yard setback shall be required. Where a front yard is provided, the minimum setback shall be 5 feet.
2. For all other permitted uses within the RT-4 district, the minimum front yard setback shall be 20 feet.
3. Awnings, steps, porches, balconies and eaves may encroach up to 5' into the required front yard setback area, where provided.

4. For exceptions to the front yard setback requirement, See article I, section 7, subsection E.
5. Line of sight guidelines shall apply for all corner lots and may result in a larger front yard setback.

e. Minimum side yard:

1. For single-family attached residential dwellings, no side yard setback shall be required. Where a side yard is provided, the minimum setback shall be 5 feet.
2. For all other permitted uses within the RT-4 district, the minimum side yard setback shall be 10 feet.
3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
4. The minimum side yard setback for all accessory uses within the RT-4 zoning district shall be 5 feet.
5. Awnings, steps, eaves, concrete or paver patios, and HVAC equipment may encroach up to 50% into the required side yard setback area, where provided.
6. Line of sight guidelines shall apply for all corner lots and may result in a larger side yard setback.

f. Minimum rear yard:

1. For single-family attached residential dwellings, the minimum rear yard setback shall be 10 feet.
2. For all other permitted uses within the RT-4 district, the minimum rear yard setback shall be 20 feet.
3. For rear yard requirements pertaining to dual frontage lots, see article I, section 7, subsection D. For the purpose of this section, a private alley shall not be considered a road frontage.
4. The minimum rear yard setback for all accessory uses within the RT-4 zoning district shall be 5 feet.

5. Awnings, steps, eaves, concrete or paver patios, porches, balconies and HVAC equipment may encroach up to 5' into the required rear yard setback area.
6. Line of sight guidelines shall apply for all corner lots and may result in a larger rear yard setback.

g. Maximum building height:

1. The maximum building height for all structures within the RT-4 zoning district shall be 45 feet.
2. For exceptions to height regulations, see article I, section 7, subsection L.

h. Dedicated open space requirements:

1. For all new developments within the RT-4 district, a minimum of 20% of the gross land area of the project shall be set aside as dedicated open space.
2. For all new developments that include rear alley loaded access on at least 75% of all residential units, the open space requirement may be reduced by 25%.
3. Dedicated open space shall be provided in accordance with Section 19(4)(H), paragraphs 2-11, of the zoning ordinance.

i. Buffer requirements:

1. For all new developments within the RT-4 district, a landscaped buffer at least 35' in width shall be required along all project edges abutting existing residential development, excluding road frontage, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the open space requirement. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required. Planted buffers shall contain a minimum of 9 evergreen trees and 20 evergreen shrubs for each 100 linear feet of buffer area.
2. The required width of any project boundary buffer may be reduced by 25%, provided a minimum six-foot opaque wall is constructed along the project boundary.

j. Sidewalk requirements:

1. Notwithstanding other provisions of the zoning ordinance or the Code of Ordinances for the Town of Fort Mill, all new developments within the RT-4 district shall include sidewalks at least five (5) feet in width along both sides of any new or existing road frontage (excluding alleys). All sidewalks shall be constructed to comply with the standards of the town, South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).
2. New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.

k. Traffic improvements.

1. A traffic impact analysis (TIA) shall be required for any new development that includes more than one hundred (100) residential units, or for any new development that is expected to generate an average of more than five hundred (500) vehicle trips per weekday. Any traffic improvements recommended by the TIA shall be installed at the developer's cost.
2. Notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.

l. Additional requirements: Uses permitted in RT-4 zoning districts shall meet all standards set forth in article I, section 7, subsection I, pertaining to off-street parking, loading, and other requirements.

m. Signs: Signs permitted in the RT-4 zoning district, including the conditions under which they may be located, are set forth in article III.

SECTION IV. The Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by Districts; is hereby amended to add a new section, to be called Section 26, which section shall read as follows:

Sec. 26. – RT-8 Residential District

1. Purpose of district: It is the intent of this section that the RT-8 residential zoning district be developed and reserved primarily for high density single-family attached residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy residential environment, while allowing for flexibility in design standards, a variety in housing options, and enhanced protection for natural and environmental resources.
2. Permitted uses: The following uses shall be permitted in the RT-8 zoning district:
 - a. Single-family attached residential dwellings (townhomes);
 - b. Publicly owned building, facility, or land;
 - c. Private uses which are customarily associated with residential development, including:
 1. Clubhouses and activity centers
 2. Pools and poolhouses
 3. Off-street parking facilities
 4. Other amenities related to recreation and/or resident activities
 - d. Accessory use in compliance with the provisions of article I, section 7, subsection G;
 - e. Customary home occupations established under the regulations in article I, section 7, subsection F;
 - f. Religious institutions.
3. Conditional uses: The following uses shall be permitted in any RT-8 zoning district on a conditional basis:
 - a. Public utility substation or subinstallation, including water towers; provided that:
 1. Such use is enclosed by a fence or wall at least six feet in height above finish grade, or by some other screening material deemed appropriate as part of the appearance review process;
 2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and

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1. For single-family attached residential dwellings, no front yard setback shall be required. Where a front yard is provided, the minimum setback shall be 5 feet.
2. For all other permitted uses within the RT-8 district, the minimum front yard setback shall be 20 feet.
3. Awnings, steps, porches, balconies and eaves may encroach up to 5' into the required front yard setback area, where provided.
4. For exceptions to the front yard setback requirement, See article I, section 7, subsection E.
5. Line of sight guidelines shall apply for all corner lots and may result in a larger front yard setback.

e. Minimum side yard:

1. For single-family attached residential dwellings, no side yard setback shall be required. Where a side yard is provided, the minimum setback shall be 5 feet.
2. For all other permitted uses within the RT-8 district, the minimum side yard setback shall be 10 feet.
3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
4. The minimum side yard setback for all accessory uses within the RT-8 zoning district shall be 5 feet.
5. Awnings, steps, eaves, concrete or paver patios, and HVAC equipment may encroach up to 50% into the required side yard setback area, where provided.
6. Line of sight guidelines shall apply for all corner lots and may result in a larger side yard setback.

f. Minimum rear yard:

1. For single-family attached residential dwellings, the minimum rear yard setback shall be 10 feet.

2. For all other permitted uses within the RT-8 district, the minimum rear yard setback shall be 20 feet.
3. For rear yard requirements pertaining to dual frontage lots, see article I, section 7, subsection D. For the purpose of this section, a private alley shall not be considered a road frontage.
4. The minimum rear yard setback for all accessory uses within the RT-8 zoning district shall be 5 feet.
5. Awnings, steps, eaves, concrete or paver patios, porches, balconies and HVAC equipment may encroach up to 5' into the required rear yard setback area.
6. Line of sight guidelines shall apply for all corner lots and may result in a larger rear yard setback.

g. Maximum building height:

1. The maximum building height for all structures within the RT-8 zoning district shall be 45 feet.
2. For exceptions to height regulations, see article I, section 7, subsection L.

h. Dedicated open space requirements:

1. For all new developments within the RT-8 district, a minimum of 30% of the gross land area of the project shall be set aside as dedicated open space.
2. For all new developments that include rear alley loaded access on at least 75% of all residential units, the open space requirement may be reduced by 25%
3. Dedicated open space shall be provided in accordance with Section 19(4)(H), paragraphs 2-11, of the zoning ordinance.

i. Buffer requirements:

1. For all new developments within the RT-8 district, a landscaped buffer at least 50' in width shall be required along all project edges abutting existing residential development, excluding road frontage, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the open space requirement.

Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required. Planted buffers shall contain a minimum of 12 evergreen trees and 28 evergreen shrubs for each 100 linear feet of buffer area.

2. The required width of any project boundary buffer may be reduced by 25%, provided a minimum six-foot opaque wall is constructed along the project boundary.

j. Sidewalk requirements:

1. Notwithstanding other provisions of the zoning ordinance or the Code of Ordinances for the Town of Fort Mill, all new developments within the RT-8 district shall include sidewalks at least five (5) feet in width along both sides of any new or existing road frontage (excluding alleys). All sidewalks shall be constructed to comply with the standards of the town, South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).
2. New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.

k. Traffic improvements.

1. A traffic impact analysis (TIA) shall be required for any new development that includes more than one hundred (100) residential units, or for any new development that is expected to generate an average of more than five hundred (500) vehicle trips per weekday. Any traffic improvements recommended by the TIA shall be installed at the developer's cost.
2. Notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.

- l. Additional requirements: Uses permitted in RT-8 zoning districts shall meet all standards set forth in article I, section 7, subsection I, pertaining to off-street parking, loading, and other requirements.

- m. Signs: Signs permitted in the RT-8 zoning district, including the conditions under which they may be located, are set forth in article III.

SECTION V. The Zoning Ordinance for the Town of Fort Mill; Article II, Requirements by Districts; is hereby amended to add a new section, to be called Section 27, which section shall read as follows:

Sec. 27. – RT-12 Residential District

1. Purpose of district: It is the intent of this section that the RT-12 residential zoning district be developed and reserved primarily for high density single-family attached residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy residential environment, while allowing for flexibility in design standards, a variety in housing options, and enhanced protection for natural and environmental resources.
2. Permitted uses: The following uses shall be permitted in the RT-12 zoning district:
 - a. Single-family attached residential dwellings (townhomes);
 - b. Publicly owned building, facility, or land;
 - c. Private uses which are customarily associated with residential development, including:
 1. Clubhouses and activity centers
 2. Pools and poolhouses
 3. Off-street parking facilities
 4. Other amenities related to recreation and/or resident activities
 - d. Accessory use in compliance with the provisions of article I, section 7, subsection G;
 - e. Customary home occupations established under the regulations in article I, section 7, subsection F;
 - f. Religious institutions.

3. Conditional uses: The following uses shall be permitted in any RT-12 zoning district on a conditional basis:

a. Public utility substation or subinstallation, including water towers; provided that:

1. Such use is enclosed by a fence or wall at least six feet in height above finish grade, or by some other screening material deemed appropriate as part of the appearance review process;
2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and
3. A landscaped strip not less than ten feet in width is planted and suitably maintained around the facility.

b. Temporary use in compliance with the provisions of article VI, section 4;

c. Daycare facilities or pre-school nursery, provided that any such facility must be licensed or registered by the appropriate state agency.

4. Other requirements: Unless otherwise specified elsewhere in this ordinance, uses permitted in RT-12 districts shall be required to conform to the following standards:

a. Maximum density for new residential subdivisions:

1. The maximum gross residential density for new townhome subdivisions within the RT-12 district shall be twelve (12) dwelling units per acre.
2. For the purpose of this section, “gross residential density” shall be defined as the total number of residential units divided by the total acreage of land within the development.

b. Minimum lot area:

1. For single-family attached residential dwellings, the minimum lot area shall be 1,500 square feet. The minimum lot area may be reduced to 1,000 square feet for any single-family detached residential lot with rear alley loaded access.
2. For all other permitted uses within the RT-4 district, the minimum lot area shall be 5,000 square feet.

c. Minimum lot width, measured at the building line:

1. For single-family attached residential dwellings, the minimum lot width shall be 15 feet. The minimum lot width may be reduced to 10 feet for any single-family detached residential lot with rear alley loaded access.
2. For all other permitted uses within the RT-12 district, the minimum lot width shall be 50 feet.

d. Minimum front yard depth, measured from the nearest street right-of-way line:

1. For single-family attached residential dwellings, no front yard setback shall be required. Where a front yard is provided, the minimum setback shall be 5 feet.
2. For all other permitted uses within the RT-12 district, the minimum front yard setback shall be 20 feet.
3. Awnings, steps, porches, balconies and eaves may encroach up to 5' into the required front yard setback area, where provided.
4. For exceptions to the front yard setback requirement, See article I, section 7, subsection E.
5. Line of sight guidelines shall apply for all corner lots and may result in a larger front yard setback.

e. Minimum side yard:

1. For single-family attached residential dwellings, no side yard setback shall be required. Where a side yard is provided, the minimum setback shall be 5 feet.
2. For all other permitted uses within the RT-12 district, the minimum side yard setback shall be 10 feet.
3. For side yard requirements pertaining to corner lots, see article I, section 7, subsection C.
4. The minimum side yard setback for all accessory uses within the RT-12 zoning district shall be 5 feet.

5. Awnings, steps, eaves, concrete or paver patios, and HVAC equipment may encroach up to 50% into the required side yard setback area, where provided.

6. Line of sight guidelines shall apply for all corner lots and may result in a larger side yard setback.

f. Minimum rear yard:

1. For single-family attached residential dwellings, the minimum rear yard setback shall be 10 feet.

2. For all other permitted uses within the RT-12 district, the minimum rear yard setback shall be 20 feet.

3. For rear yard requirements pertaining to dual frontage lots, see article I, section 7, subsection D. For the purpose of this section, a private alley shall not be considered a road frontage.

4. The minimum rear yard setback for all accessory uses within the RT-12 zoning district shall be 5 feet.

5. Awnings, steps, eaves, concrete or paver patios, porches, balconies and HVAC equipment may encroach up to 5' into the required rear yard setback area.

6. Line of sight guidelines shall apply for all corner lots and may result in a larger rear yard setback.

g. Maximum building height:

1. The maximum building height for all structures within the RT-12 zoning district shall be 45 feet.

2. For exceptions to height regulations, see article I, section 7, subsection L.

h. Dedicated open space requirements:

1. For all new developments within the RT-12 district, a minimum of 40% of the gross land area of the project shall be set aside as dedicated open space.

2. For all new developments that include rear alley loaded access on at least 75% of all residential units, the open space requirement may be reduced by 25%

3. Dedicated open space shall be provided in accordance with Section 19(4)(H), paragraphs 2-11, of the zoning ordinance.

i. Buffer requirements:

1. For all new developments within the RT-12 district, a landscaped buffer at least 75' in width shall be required along all project edges abutting existing residential development, excluding road frontage, and shall be measured perpendicular to the property lines that define the project area. This buffer shall be a natural, undisturbed wooded area where possible, and shall count towards the open space requirement. Where an existing natural, undisturbed wooded area does not exist, a planted buffer shall be required. Planted buffers shall contain a minimum of 20 evergreen trees and 42 evergreen shrubs for each 100 linear feet of buffer area.
2. The required width of any project boundary buffer may be reduced by 25%, provided a minimum six-foot opaque wall is constructed along the project boundary.

j. Sidewalk requirements:

1. Notwithstanding other provisions of the zoning ordinance or the Code of Ordinances for the Town of Fort Mill, all new developments within the RT-12 district shall include sidewalks at least five (5) feet in width along both sides of any new or existing road frontage (excluding alleys). All sidewalks shall be constructed to comply with the standards of the town, South Carolina Department of Transportation (SCDOT), and the Americans with Disabilities Act (ADA).
2. New sidewalks shall be constructed in locations that will promote connectivity with existing sidewalk infrastructure. Where no adjacent sidewalk infrastructure exists, new sidewalks shall be stubbed out to locations identified by the zoning administrator in order to allow for connectivity with future development. These requirements may be waived administratively by the zoning administrator if circumstances exist that make such connections impractical.

k. Traffic improvements.

1. A traffic impact analysis (TIA) shall be required for any new development that includes more than one hundred (100) residential units, or for any new development that is expected to generate an average of more than five hundred (500) vehicle trips

per weekday. Any traffic improvements recommended by the TIA shall be installed at the developer's cost.

2. Notwithstanding the previous paragraph, the developer shall meet with the zoning administrator and, if warranted, representatives from the SCDOT, prior to project approval for the purpose of reviewing proposed ingress/egress locations and traffic impact. Any traffic improvements recommended by the town and/or SCDOT shall be installed at the developer's cost.

l. Additional requirements: Uses permitted in RT-12 zoning districts shall meet all standards set forth in article I, section 7, subsection I, pertaining to off-street parking, loading, and other requirements.

m. Signs: Signs permitted in the RT-12 zoning district, including the conditions under which they may be located, are set forth in article III.

SECTION VI. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, the validity of the remaining sections, subsections, paragraphs, clauses, or provisions shall not be affected thereby.

SECTION VII. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VIII. Effective Date. This ordinance shall take effect upon adoption by the Town Council.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 25, 2014
Public Hearing: September 8, 2014
Second Reading: September 8, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Town Attorney

Dana Powell, Interim Town Clerk

Planning Commission Meeting
August 26, 2014
New Business Item

Rezoning Request: Cascades at River Crossing

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for the Cascades at River Crossing subdivision, containing 216 parcels on approximately 24.3 +/- acres located on U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential

Background / Discussion

The Planning Commission is asked to consider a rezoning ordinance for the Cascades at River Crossing townhome community, which is currently zoned HC Highway Commercial.

The existing subdivision contains a total of 200 townhome units on approximately 24.3 acres, or approximately 8.23 dwelling units per acre. In all, there are a total of 216 parcels within the development. The community also includes approximately 37% open space. Based on the current zoning designation of HC, the existing residences are considered “nonconforming” under the town’s zoning ordinance.

The townhome community was approved in 2004, with land development and home construction commencing shortly thereafter. At the time the project was approved, residential uses were permitted within the HC district. In April 2006, town council adopted a text amendment to the HC district that removed residences from the list of permitted uses, resulting in today’s nonconforming status.

Though this rezoning has been initiated by staff, the town has received a petition signed by 102 residents of the Cascades community asking for legislative relief from their current nonconforming status. (See New Business Item #2 for a copy of the petition.)

A draft rezoning ordinance is attached for review.

Recommendation

Staff has prepared a text amendment to create three new townhome districts: RT-4, RT-8 and RT-12. Assuming the town council adopts the text amendment, staff believes that one of these new districts would be most appropriate for the Cascades at River Crossing community. Based on the overall density of the current neighborhood, staff recommends in favor of rezoning all 216 parcels from HC Highway Commercial to RT-8 Residential.

Joe Cronin
Planning Director
August 14, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR THE CASCADES AT RIVER CROSSING SUBDIVISION, CONTAINING 216 PARCELS ON APPROXIMATELY 24.3 +/- ACRES LOCATED ON U.S. HIGHWAY 21 BYPASS, FROM HC HIGHWAY COMMERCIAL TO RT-8 RESIDENTIAL

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. The Zoning Map of the Town of Fort Mill is hereby amended to change the zoning designation for all those parcels referenced in the attached Exhibit A, such parcels containing a total of 24.3 acres +/- located on U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential. A property map of the parcels subject to this rezoning Ordinance is included in the attached Exhibit B.

Section II. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 25, 2014
Public Hearing: September 8, 2014
Second Reading: September 8, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

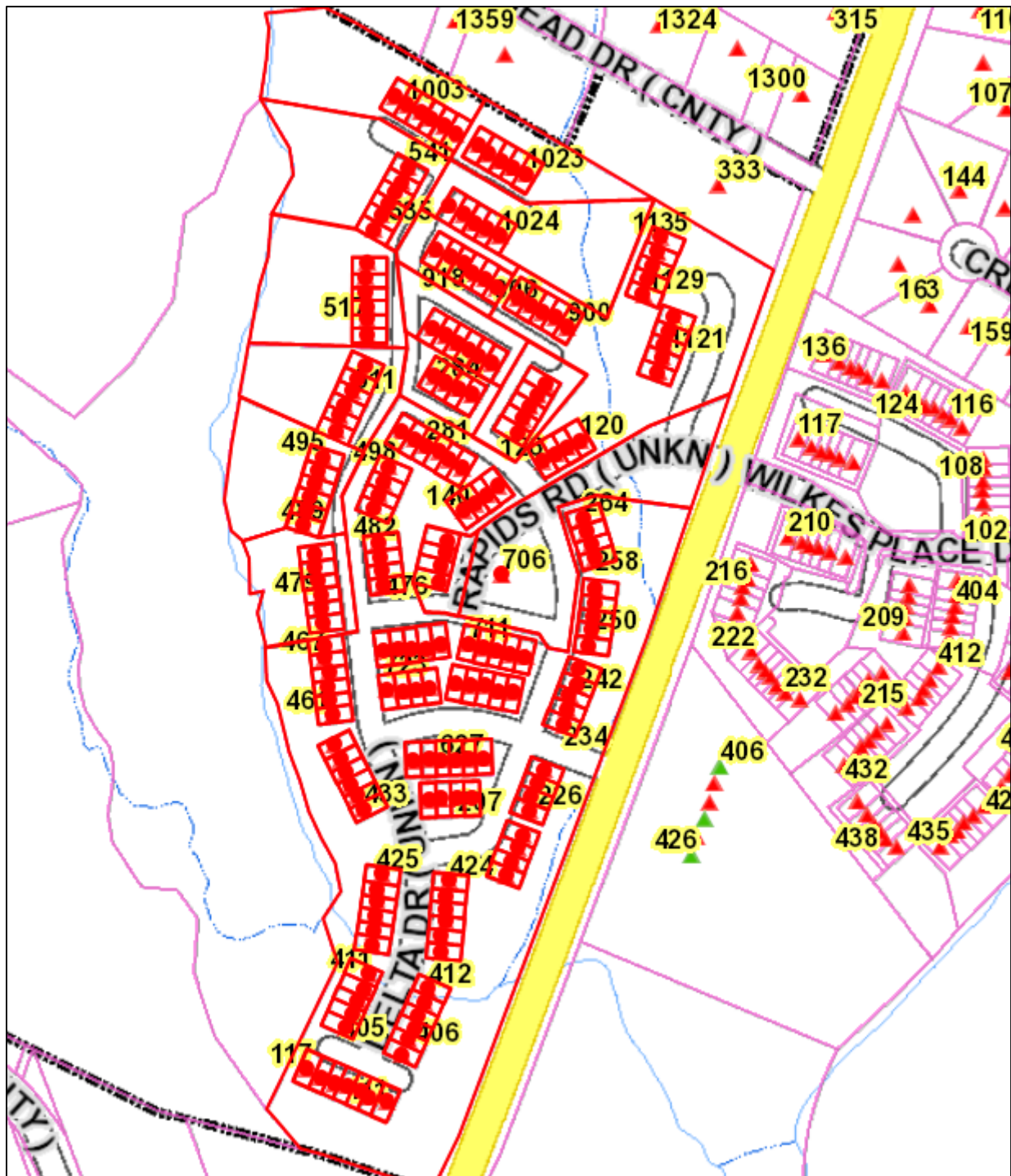
Dana Powell, Interim Town Clerk

EXHIBIT A

The Cascades at River Crossing
York County Tax Map Numbers

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Exhibit B
The Cascades at River Crossing
Property Map



Planning Commission Meeting
August 26, 2014
New Business Item

Rezoning Request: Townes at River Crossing

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for the Townes at River Crossing subdivision, containing 144 parcels on approximately 13.8 acres +/- located on U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential

Background / Discussion

The Planning Commission is asked to consider a rezoning ordinance for the Townes at River Crossing townhome community, which is currently zoned HC Highway Commercial.

The existing subdivision contains a total of 125 townhome units on approximately 13.8 acres, or approximately 9.06 dwelling units per acre. In all, there are a total of 144 parcels within the development. The community also includes approximately 30% open space. Based on the current zoning designation of HC, the existing residences are considered “nonconforming” under the town’s zoning ordinance.

The townhome community was approved in the early 2000’s, with land development and home construction commencing shortly thereafter. At the time the project was approved, residential uses were permitted within the HC district. In April 2006, town council adopted a text amendment to the HC district that removed residences from the list of permitted uses, resulting in today’s nonconforming status.

Though this rezoning has been initiated by staff, the town has received a petition signed by the Board of Directors from the Townes at River Crossing Homeowner’s Association requesting legislative relief from their current nonconforming status. (See New Business Item #2 for a copy of the petition.)

A draft rezoning ordinance is attached for review.

Recommendation

Staff has prepared a text amendment to create three new townhome districts: RT-4, RT-8 and RT-12. Assuming the town council adopts the text amendment, staff believes that one of these new districts would be most appropriate for the Townes at River Crossing community. Based on the overall density of the current neighborhood, staff recommends in favor of rezoning all 144 parcels from HC Highway Commercial to RT-8 Residential.

Joe Cronin
Planning Director
August 14, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR THE TOWNES AT RIVER CROSSING SUBDIVISION, CONTAINING 144 PARCELS ON APPROXIMATELY 13.8 ACRES +/- LOCATED ON U.S. HIGHWAY 21 BYPASS, FROM HC HIGHWAY COMMERCIAL TO RT-8 RESIDENTIAL

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. The Zoning Map of the Town of Fort Mill is hereby amended to change the zoning designation for all those parcels referenced in the attached Exhibit A, such parcels containing a total of 13.8 acres +/- located on U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential. A property map of the parcels subject to this rezoning Ordinance is included in the attached Exhibit B.

Section II. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 25, 2014
Public Hearing: September 8, 2014
Second Reading: September 8, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

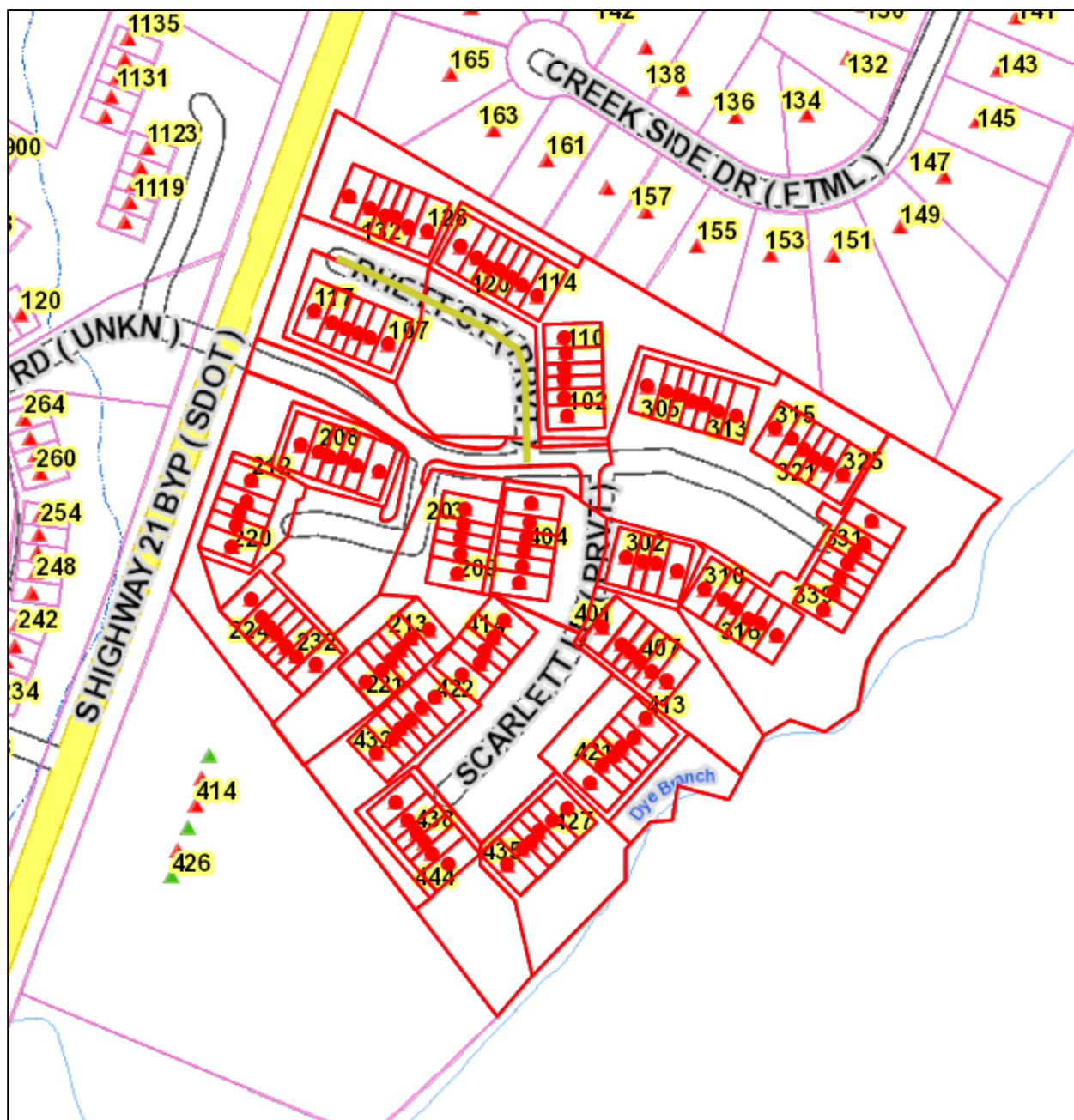
Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

Exhibit A
The Townes at River Crossing
York County Tax Map Numbers

0202002023, 0202002024, 0202002025, 0202002026, 0202002027, 0202002028, 0202002022,
0202002007, 0202002008, 0202002009, 0202002010, 0202002011, 0202002012, 0202002013,
0202002109, 0202002014, 0202002015, 0202002029, 0202002016, 0202002030, 0202002031,
0202002032, 0202002033, 0202002017, 0202002034, 0202002035, 0202002018, 0202002036,
0202002019, 0202002037, 0202002038, 0202002039, 0202002040, 0202002102, 0202002088,
0202002041, 0202002044, 0202002104, 0202002045, 0202002058, 0202002059, 0202002046,
0202002060, 0202002061, 0202002047, 0202002056, 0202002048, 0202002108, 0202002049,
0202002055, 0202002125, 0202002054, 0202002050, 0202002053, 0202002126, 0202002052,
0202002077, 0202002062, 0202002127, 0202002051, 0202002128, 0202002063, 0202002078,
0202002129, 0202002064, 0202002079, 0202002130, 0202002065, 0202002120, 0202002080,
0202002066, 0202002131, 0202002121, 0202002067, 0202002081, 0202002122, 0202002082,
0202002076, 0202002083, 0202002070, 0202002084, 0202002085, 0202002071, 0202002086,
0202002087, 0202002072, 0202002073, 0202002074, 0202002075, 0202002093, 0202002098,
0202002092, 0202002099, 0202002091, 0202002100, 0202002090, 0202002101, 0202002089,
0202002103, 0202002142, 0202002141, 0202002140, 0202002139, 0202002138, 0202002132,
0202002133, 0202002134, 0202002135, 0202002136, 0202002137, 0202002003, 0202002005,
0202002002, 0202002117, 0202002097, 0202002043, 0202002107, 0202002069, 0202002057,
0202002004, 0202002068, 0202002006, 0202002096, 0202002095, 0202002143, 0202002144,
0202002042, 0202002110, 0202002111, 0202002112, 0202002113, 0202002114, 0202002118,
0202002119, 0202002115, 0202002021, 0202002020, 0202002123, 0202002124, 0202002105,
0202002116, 0202002106, 0202002094, 0202002001

Exhibit B
The Townes at River Crossing
Property Map



**Planning Commission Meeting
August 26, 2014
New Business Item**

Rezoning Ordinance: Lighthouse Pentecostal Holiness Church

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for York County Tax Map Number 020-20-01-009, containing approximately 1.4 acres located at 333 U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential

Background / Discussion

The Planning Commission is asked to consider a rezoning ordinance for Lighthouse Pentecostal Holiness Church, located at 333 U.S. Highway 21 Bypass. The parcel is currently zoned HC Highway Commercial.

In April 2006, town council adopted a text amendment to the HC district that removed religious institutions from the list of permitted uses. Based on the current zoning designation of HC, therefore, the existing use (religious institution) is considered “nonconforming” under the town’s zoning ordinance. Based on current zoning requirements, if the existing structure was damaged or destroyed beyond 50% of its value, a new structure could not be rebuilt in its place.

There is currently a pending rezoning ordinance for two neighboring subdivisions: the Cascades at River Crossing and the Townes at River Crossing. Staff recommends rezoning both subdivisions from HC to RT-8. (See New Business Items #4 and #5.)

A draft rezoning ordinance is attached for review.

Recommendation

Staff has prepared a text amendment to create three new residential districts: RT-4, RT-8 and RT-12. Assuming the town council adopts the text amendment, staff believes that one of these new districts would be most appropriate for the church property, as each would allow religious institutions as a permitted use by right. Because this parcel is contiguous to the Cascades at River Crossing (which is also recommended for rezoning from HC to RT-8), staff recommends rezoning the church property to RT-8 as well. Because this parcel is less than two acres in size, staff also recommends that the zoning designation should be consistent with neighboring parcels (See Article VIII, Section 3, of Zoning Ordinance).

Joe Cronin
Planning Director
August 14, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR YORK COUNTY TAX MAP NUMBER 020-20-01-009, CONTAINING APPROXIMATELY 1.4 ACRES LOCATED AT 333 U.S. HIGHWAY 21 BYPASS, FROM HC HIGHWAY COMMERCIAL TO RT-8 RESIDENTIAL

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. The Zoning Map of the Town of Fort Mill is hereby amended to change the zoning designation for York County Tax Map Number 020-20-01-009, containing approximately 1.4 acres located at 333 U.S. Highway 21 Bypass, from HC Highway Commercial to RT-8 Residential. A property map of the parcel subject to this rezoning Ordinance is included in the attached Exhibit A.

Section II. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2014, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2014.

First Reading: August 25, 2014
Public Hearing: September 8, 2014
Second Reading: September 8, 2014

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

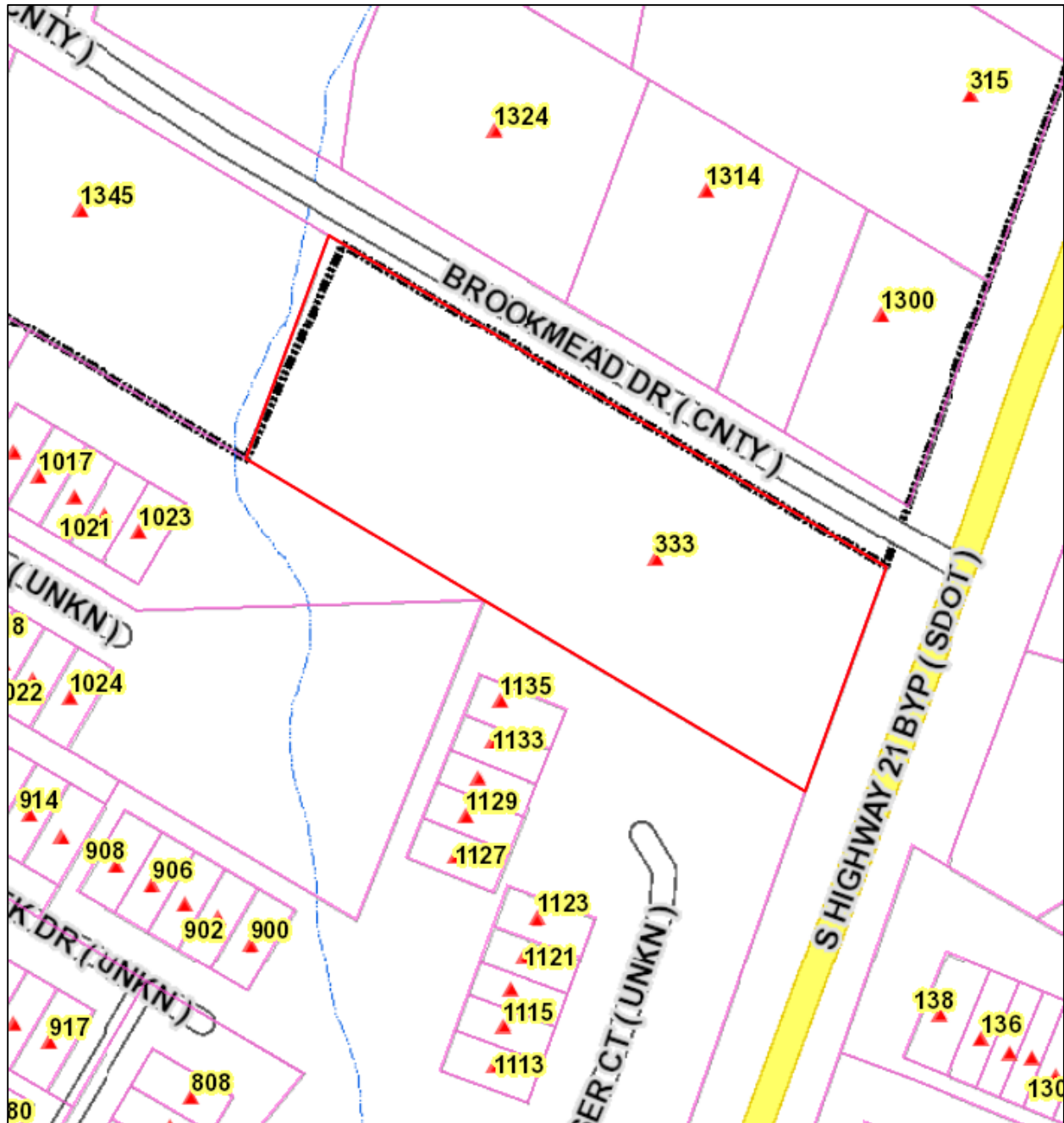
LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

Exhibit A
Property Map
York County Tax Map Number 020-20-01-009



Planning Commission Meeting
August 26, 2014
New Business Item

Final Plat Review: Riverchase Phase II

Request from Meritage Homes to review and authorize road names associated with a final plat for the Preserve at River Chase Phase II

Background / Discussion

The John R. McAdams Company has submitted a final plat, on behalf of Meritage Homes, for Phase 2 of the Preserve at River Chase subdivision on Doby's Bridge Road.

A preliminary plat containing 231 single-family residential lots was approved for the entire Riverchase subdivision on August 7, 2013. The preliminary plat was consistent with the requirements of the Riverchase MXU Concept Plan and Development conditions, as well as the Zoning Ordinance and Code of Ordinances for the Town of Fort Mill. As allowed by the MXU ordinance, the preliminary plat was reviewed and approved administratively.

Phase I of the project, containing 74 lots, was approved by the Planning Commission in November 2013. The proposed Phase II will contain a total of 59 single-family lots. P

Total Lots Approved per Preliminary Plat:	231	(Approved Aug. 2013)
Total Lots Recorded to Date:	74	(Phase I – Approved Nov. 2013)
<u>Total Lots Proposed:</u>	<u>59</u>	<u>(Phase II – Pending Approval)</u>
Total Lots Remaining:	98	

Phase II will also include three new road names. The proposed names – Arges River Drive, Slaney Court and Thames Circle – have all been approved for use by York County E-911/Addressing.

Though the MXU ordinance does not require full Planning Commission approval of the final plat, Section 6-29-1200(A) of the SC Code of Laws requires the following:

A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

As a result, Planning Commission approval is required to authorize these new road names.

To date, all required infrastructure (roads, sidewalks, utilities, etc.) has not yet been completed within this phase of the subdivision. The town's subdivision ordinance allows for a final plat to be approved and recorded as long as a bond is in place to cover the cost of any outstanding

improvements. The minimum value of the bond shall be at least 125% of the cost of any such improvements.

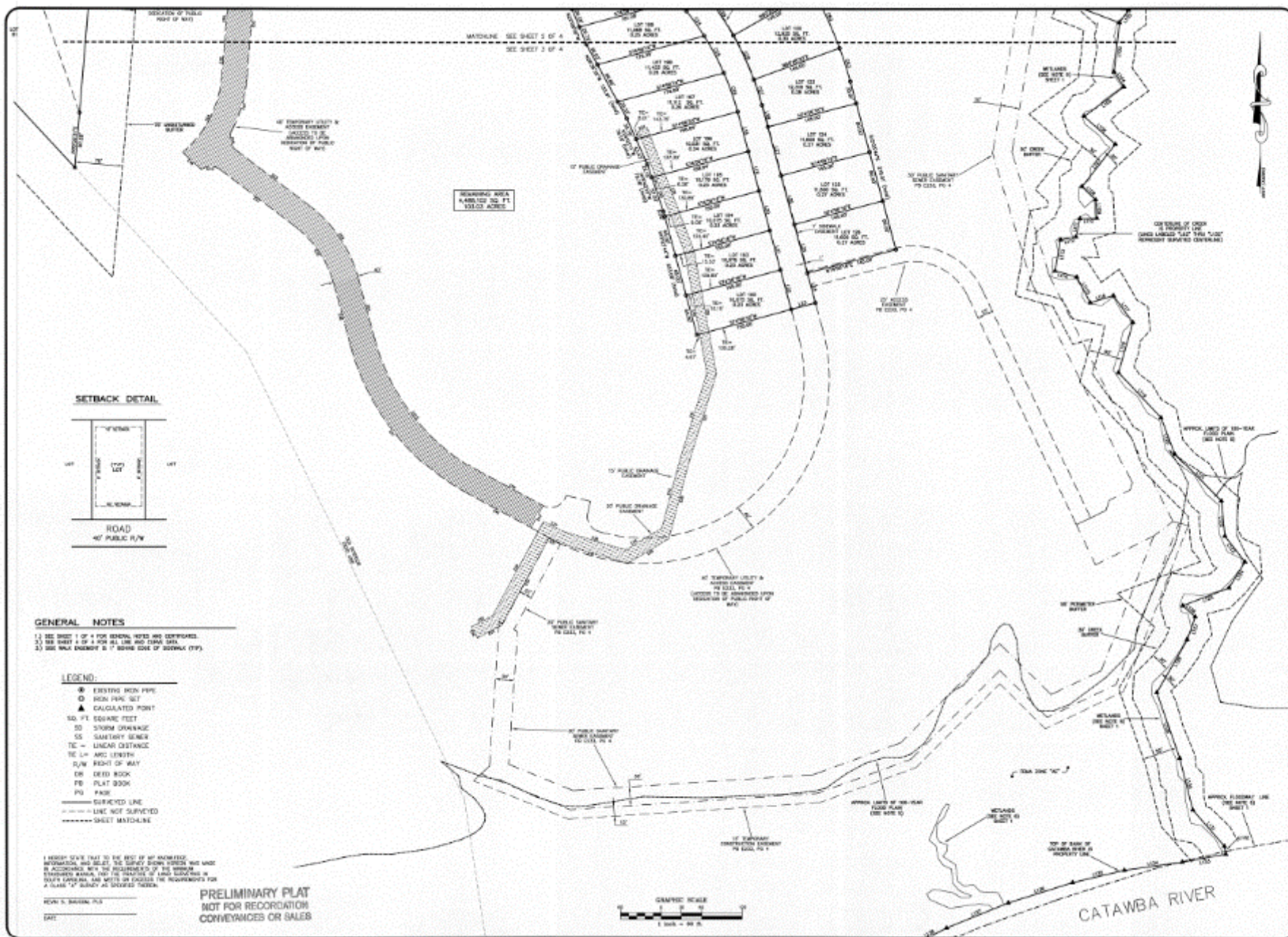
Recommendation

The final plat is consistent with the preliminary plat approved by town staff on August 7, 2013. It is staff's intent to approve the final plat for Phase II of the Riverchase subdivision, contingent upon the applicant securing a bond to cover a minimum of 125% of any remaining improvements.

It is recommended that the Planning Commission approve and authorize the following road names within Riverchase Phase II: Arges River Drive, Slaney Court and Thames Circle.

Large copies of the final plat will be available during the meeting for review.

Joe Cronin
Planning Director
August 22, 2014



THE JOHN R. MCADAMS COMPANY, INC.
1400 E. 10th Street, Suite 111
Charlotte, NC 28204
Phone: 704.375.0000
Fax: 704.375.0001
www.mcadams.com

MCADAMS

THE PRESERVE AT RIVER CHASE
PHASE 2
PORT MELL, YORK COUNTY, SOUTH CAROLINA
SUBDIVISION PLAT

PROPERTY NO. 120000
PLAT NO. 120000-01
OWNER J. R. MCADAMS
DATE 11/1/2014
SCALE 1"=50'
DATE 11/1/2014
PLAT NO. 3-4
MCADAMS

Planning Commission Meeting
August 26, 2014
New Business Item

Subdivision Request: Clear Springs Land Company LLC

Request from Clear Springs Land Company LLC to subdivide a portion of York County Tax Map Number 020-09-01-003 to create a new 3.07 acre parcel on Munn Road

Background / Discussion

The Planning Commission is asked to consider a minor subdivision request from Clear Springs Land Company LLC. The purpose of this request is to subdivide a portion of York County Tax Map Number 020-09-01-003 (Peachtree Apartments) for the purpose of creating a new 3.07 acre parcel on Munn Road.

The new parcel will remain zoned GR-A residential. The GR-A district requires a minimum lot width of 75' and a minimum lot area of 10,000 square feet. The proposed lot will have a width of over 223' feet, and a total lot area of more than 133,700 square feet. The proposed lot is currently vacant/wooded. The new lot line will not result in any nonconformities for the remaining uses or structures on Tax Map Number 020-09-01-003.

A subdivision plat prepared by Pittman & Associates is included for review.

The attached plat includes two additional modifications to the existing parcel. The first is to subdivide a 14.08 acre common area parcel into a new lot. This new lot meets or exceeds the requirement for administrative review and approval (both lots are 5+ acres and no new roads are created). Staff has reviewed this request and found no deficiencies. The plat also recombines a 0.52 acre portion of Tax Map Number 020-09-01-003 to the neighboring parcel, 020-09-01-002, which is owned by The Peach Stand Inc. This half acre section contains a parking lot which is used by Peach Stand employees. As a recombination, this item is also eligible for administrative review and approval.

Recommendation

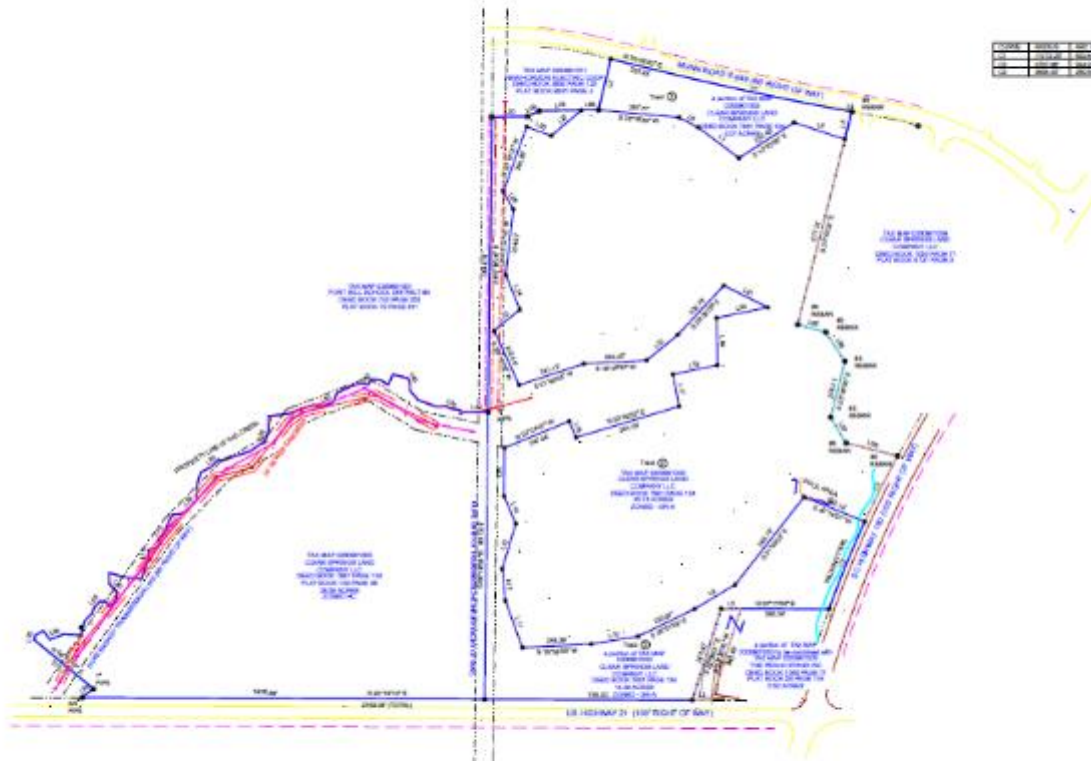
The new 3.07 acre lot will meet or exceed the minimum width, area and dimensional requirements of the GR-A zoning district. The remaining modifications on the plat are eligible for administrative review and approval. Staff recommends in favor of approving the request.

Joe Cronin
Planning Director
August 22, 2014





HONEY MAP (NOT TO SCALE)



SECTION	AREA	PERCENTAGE	ACRES
1	1.0000	100.00	1.0000
2	1.0000	100.00	1.0000
3	1.0000	100.00	1.0000

STATION	BEARING	DISTANCE	CUMULATIVE DISTANCE
1	N 0° 0' 0" E	1.0000	1.0000
2	N 0° 0' 0" E	1.0000	2.0000
3	N 0° 0' 0" E	1.0000	3.0000
4	N 0° 0' 0" E	1.0000	4.0000
5	N 0° 0' 0" E	1.0000	5.0000
6	N 0° 0' 0" E	1.0000	6.0000
7	N 0° 0' 0" E	1.0000	7.0000
8	N 0° 0' 0" E	1.0000	8.0000
9	N 0° 0' 0" E	1.0000	9.0000
10	N 0° 0' 0" E	1.0000	10.0000
11	N 0° 0' 0" E	1.0000	11.0000
12	N 0° 0' 0" E	1.0000	12.0000
13	N 0° 0' 0" E	1.0000	13.0000
14	N 0° 0' 0" E	1.0000	14.0000
15	N 0° 0' 0" E	1.0000	15.0000
16	N 0° 0' 0" E	1.0000	16.0000
17	N 0° 0' 0" E	1.0000	17.0000
18	N 0° 0' 0" E	1.0000	18.0000
19	N 0° 0' 0" E	1.0000	19.0000
20	N 0° 0' 0" E	1.0000	20.0000
21	N 0° 0' 0" E	1.0000	21.0000
22	N 0° 0' 0" E	1.0000	22.0000
23	N 0° 0' 0" E	1.0000	23.0000
24	N 0° 0' 0" E	1.0000	24.0000
25	N 0° 0' 0" E	1.0000	25.0000
26	N 0° 0' 0" E	1.0000	26.0000
27	N 0° 0' 0" E	1.0000	27.0000
28	N 0° 0' 0" E	1.0000	28.0000
29	N 0° 0' 0" E	1.0000	29.0000
30	N 0° 0' 0" E	1.0000	30.0000
31	N 0° 0' 0" E	1.0000	31.0000
32	N 0° 0' 0" E	1.0000	32.0000
33	N 0° 0' 0" E	1.0000	33.0000
34	N 0° 0' 0" E	1.0000	34.0000
35	N 0° 0' 0" E	1.0000	35.0000
36	N 0° 0' 0" E	1.0000	36.0000
37	N 0° 0' 0" E	1.0000	37.0000
38	N 0° 0' 0" E	1.0000	38.0000
39	N 0° 0' 0" E	1.0000	39.0000
40	N 0° 0' 0" E	1.0000	40.0000
41	N 0° 0' 0" E	1.0000	41.0000
42	N 0° 0' 0" E	1.0000	42.0000
43	N 0° 0' 0" E	1.0000	43.0000
44	N 0° 0' 0" E	1.0000	44.0000
45	N 0° 0' 0" E	1.0000	45.0000
46	N 0° 0' 0" E	1.0000	46.0000
47	N 0° 0' 0" E	1.0000	47.0000
48	N 0° 0' 0" E	1.0000	48.0000
49	N 0° 0' 0" E	1.0000	49.0000
50	N 0° 0' 0" E	1.0000	50.0000



Legend

1. Measurements on this map are in feet and decimals thereof.

2. All lot corners are 1/4" (1/4") Radius unless otherwise noted.

3. This plan is subject to any documents, agreements, or rights of third parties recorded prior to date of this plan, which are not shown on this plan or survey.

References

1. As Shown.

Certification

I, Surveyor, certify to the best of my professional knowledge, information and belief that this survey shows the true and correct location of the boundaries of the land shown on this plan and that the same are in accordance with the requirements of the Standards of Practice for Land Surveying in South Carolina, and that the same are in accordance with the requirements of a valid "A" survey as specified therein, that there are no other encumbrances, or prohibitions other than shown.

Surveyor

James Arthur Pittman
japittman@clearsprings.com

FLAP 1012

PROJECT No.	DATE	SCALE	DR.	CHK.
00019	06/18/24	1"=200'		
SUBDIVISION AND RECOMBINATION SURVEY CLEAR SPRINGS LAND COMPANY LLC and THE PEACH STAND LLC				
TOWN OF FORT MILL YORK COUNTY SOUTH CAROLINA				
SHEET NO. 1				

Fort Mill Planning Department



Development Activity Report July 2014

Monthly & Year-to-Date Permit Summary (All Permits)

Monthly Permit Activity (All Permits) – July 2014 vs. July 2013

	July 2014	July 2013	Change (#)	Change (%)
Permits Issued	161	57	104	182.5%
Construction Value	\$18,272,213	\$6,834,633	\$11,437,580	167.3%
Permit Fees Collected	\$114,537	\$44,046	\$70,491	160.0%

Year-to-Date Permit Activity (All Permits) – January-July 2014 vs. January-July 2013

	YTD 2014	YTD 2013	Change (#)	Change (%)
Permits Issued	618	445	173	38.9%
Construction Value	\$102,299,957	\$73,973,911	\$28,326,046	38.3%
Permit Fees Collected	\$602,599	\$452,905	\$149,694	33.1%

Monthly & Year-to-Date Permit Summary (Single-Family Residential Permits)

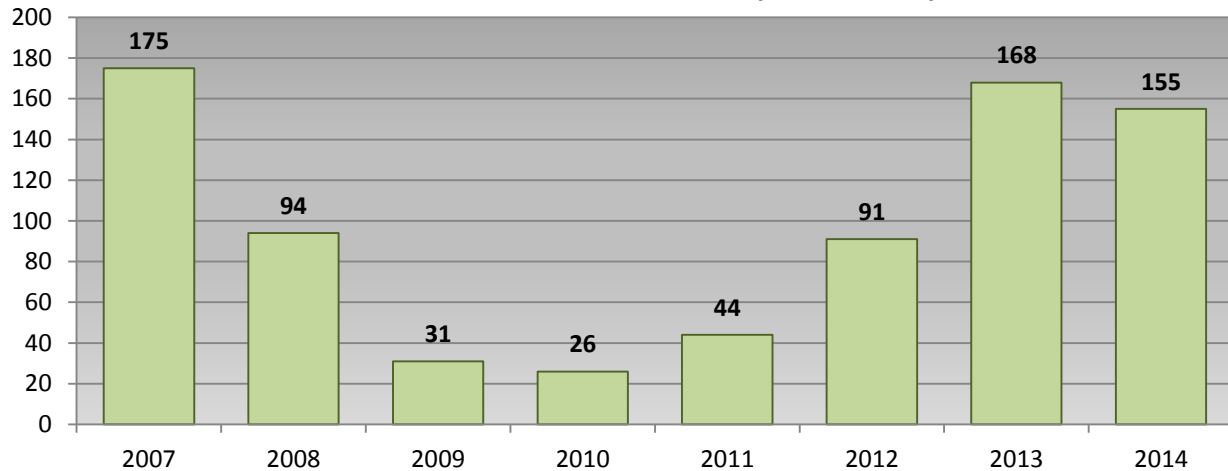
Monthly Permit Activity (Single-Family Residential) – July 2014 vs. July 2013

	July 2014	July 2013	Change (#)	Change (%)
Permits Issued	37	16	21	131.3%
Construction Value	\$ 16,116,651	\$6,470,648	\$9,646,003	149.1%
Avg. Permit Value	\$434,585	\$404,416	\$30,169	7.5%

Year-to-Date Permit Activity (Single-Family Residential) – January-July 2014 vs. January-July 2013

	YTD 2014	YTD 2013	Change (#)	Change (%)
Permits Issued	155	168	-13	-7.7%
Construction Value	\$67,136,448	\$68,519,382	-\$1,382,934	-2.0%
Avg. Permit Value	\$433,138	\$407,853	\$25,285	6.2%

Year-to-Date Residential Permits (2007-2014)



A total of 37 new single-family residential permits were issued during the month of July 2014, including 1 in the Forest at Fort Mill, 4 in Massey, 14 in the Preserve at River Chase, and 18 in Springfield.

- **Forest at Fort Mill**
 - 274 Monteray Oaks Circle
- **Springfield**
 - 742 Bannerman Lane
 - 209 Horton Grove Road
 - 280 Horton Grove Road
 - 1573 Kilburn Lane
 - 1581 Kilburn Lane
 - 1589 Kilburn Lane
 - 1590 Kilburn Lane
 - 1621 Kilburn Lane
 - 1639 Kilburn Lane
 - 1646 Kilburn Lane
 - 1667 Kilburn Lane
 - 1670 Kilburn Lane
 - 1685 Kilburn Lane
 - 1710 Kilburn Lane
 - 312 Newington Court
 - 1900 Shadow Lawn Court
 - 2082 Tatton Hall Road
 - 2202 Tatton Hall Road
- **Massey**
 - 1770 Felts Parkway
 - 1259 Kings Bottom Drive
 - 5021 St. Clair Street
 - 5075 St. Clair Street
- **Preserve at River Chase**
 - 674 Avonmore Drive
 - 747 Lagan Court
 - 748 Lagan Court
 - 751 Lagan Court
 - 752 Lagan Court
 - 756 Lagan Court
 - 866 Tyne Drive
 - 872 Tyne Drive
 - 878 Tyne Drive
 - 884 Tyne Drive
 - 890 Tyne Drive
 - 891 Tyne Drive
 - 896 Tyne Drive
 - 897 Tyne Drive

Monthly Permit Summary (Commercial)

The following commercial permits were issued during the month of July 2014:

- **Kingsley #6:** 234 Kingsley Park Drive (Office Upfit, 1st Floor)
- **Kingsley #6:** 234 Kingsley Park Drive (Office Upfit, 2nd Floor)

New Businesses

There were three new business licenses issued during the month of July 2014:

- **Family Dollar:** 217 Dobys Bridge Road (Relocation from Fort Mill Square)
- **Georgialina Physical Therapy:** 1504 Carolina Place Drive, Suite 114
- **Halcyon Hills Photography:** 204 Main Street

Project Updates

Family Dollar Grand Opening

A grand opening celebration for the new Family Dollar took place on Thursday, July 10th. The new store, located at 217 Dobys Bridge Road, replaces the company's former location in Fort Mill Square, which will be demolished to make way for a new Walmart Neighborhood Market.



Hampton Inn & Suites Update

Vertical construction has commenced on the new Hampton Inn and Suites at 1520 Carolina Place Drive (behind Lowes). The six-story, 102-room hotel is expected to open during the first quarter of 2015. When completed, this will be the only hotel within the Fort Mill town limits.

Fort Mill Southern Bypass Phase 1 Opening

Phase 1 of the Fort Mill Southern Bypass was opened to traffic on Wednesday, July 30th. Phase 1 extends from Fort Mill Parkway (near US Foods) to Holbrook Road. Phase 2, which will connect Holbrook Road to SC 160 E, is expected to be completed by the summer of 2016.



Annexations

There was one annexation ordinance (and one accompanying ordinance) approved by town council during the month of July 2014:

- **Ordinance No. 2014-14**

An ordinance annexing York County Tax Map Numbers 717-00-00-004 and 717-00-00-005

- Applicant: Rutledge Realty Inc.
- Location: York County Tax Map # 717-00-00-004 and 717-00-00-005
- Acreage: 47.0 Acres
- Zoning Requested: MXU Mixed Use
- Disposition: Approved 2nd reading of annexation ordinance with MXU zoning (6-0)
- Date Approved: July 28, 2014



- **Ordinance No. 2014-15**

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Rutledge MXU Project

- Applicant: Rutledge Realty Inc.
- Location: York County Tax Map # 717-00-00-004 and 717-00-00-005
- Acreage: 47.0 Acres
- Request: Approve MXU concept plan and development conditions
- Disposition: Approved 2nd reading of concept plan and development conditions, which allow up to 235 dwelling units and 50,000-175,000 square feet of commercial development (6-0)
- Date Approved: July 28, 2014



Year-to-Date Annexation Activity – January-July 2014 vs. January-July 2013

	YTD 2014	YTD 2013	Change (#)	Change (%)
Total # Annexations	6	4	+2	+50.0%
Total # Acres Annexed	409.9	546.7	-136.8	-25.0%

Rezoning

There were no new rezonings approved during the month of July 2014.

Ordinances & Text Amendments

There were no new development related ordinances or text amendments approved during the month of July 2014.

New Subdivisions

There were no new subdivision plats approved during the month of July 2014.

Planning Commission Meeting Summary

The Planning Commission (PC) met on Tuesday, July 22, 2014, to review the following requests(s):

- **Text Amendment: Local Commercial District**

- Applicant: Text Amendment Requested by Fort Mill Town Staff
- Purpose: Amend the LC Local Commercial zoning district so as to add day care centers to the list of permitted uses, remove newspaper publishing plants from the list of permitted uses, and to remove the prohibition on outdoor speaker systems at restaurants within the LC district under certain conditions.
- Disposition: Recommended in favor of the text amendment, with minor modifications (6-0)

- **Mixed Use Concept Plan & Development Conditions: Pleasant/Vista Property**

- Applicant: Cooper Willis / Atlantic Beach Inc.
- Location: York County Tax Map Numbers 020-09-01-027, 020-09-01-028, 020-09-01-030, 020-09-01-031, 020-09-01-032, 020-09-01-033, 020-09-01-034, 020-09-01-035 and 020-09-01-036
- Acreage: 156.96 Acres
- Zoning Designation: MXU Mixed Use (Current Zoning)
- Disposition: Recommended in favor of the concept plan and development conditions, as modified since the June PC meeting. The amended unit count of 931 will include up to 662 apartments, 146 townhomes, and 123 single family homes. Up to 50,000 square feet would also be permitted per the development conditions. The PC recommended a phasing schedule that would limit the total number of units that could be developed at 338 until certain roadway projects are completed. (6-0)



- **Road Name Change: Dobys Bridge Road**

- Applicant: Requested by Fort Mill & York County Staff
- Location: Dobys Bridge Road (Tom Hall Street to Lancaster County Line)
- Purpose: Due to the realignment of Dobys Bridge Road as a part of the Fort Mill Southern Bypass project, town and county staff have requested approval of North/South designations to Dobys Bridge Road to aid with emergency response and addressing purposes
- Disposition: Following a public hearing, the PC approved the renaming of Dobys Bridge Road as N Dobys Bridge Road (Tom Hall Street to Fort Mill Parkway) and S Dobys Bridge Road (Fort Mill Parkway to Lancaster County Line) (6-0)

- **Request to Approve New Road Name: New Road/Cul-de-Sac**

- Applicant: Requested by Fort Mill & York County Staff
- Location: Former Dobys Bridge Road (pre-realignment)
- Purpose: Designate an official road name for the former section of Dobys Bridge Road, near Dobys Bridge Park, which was converted to a cul-de-sac as part of the Dobys Bridge Road realignment
- Disposition: Approved the name Mary Hinson Court, subject to approval by York County Addressing (6-0)



- **Annexation Request: Talkington Property**

- Applicant: John P. & Delores M. Talkington / Justin R. & Jason T. Talkington
- Location: York County Tax Map Numbers 774-00-00-004 & 774-00-00-005 (S Dobys Bridge Road)
- Acreage: 168 Acres
- Zoning Requested: R-5 Residential
- Disposition: PC expressed concerns about traffic impact. Consideration deferred to August meeting (6-0)



Board of Zoning Appeals Meeting Summary

The Board of Zoning Appeals (BOZA) met on Monday, July 21, 2014 to review the following requests:

- **Variance Request: 225 Munn Road (Fort Mill High School)**
 - Applicant: Fort Mill School District
 - Location: 225 Munn Road, York County Tax Map Number 020-09-01-001
 - Zoning Designation: LC Local Commercial
 - Request: Applicant requested a variance from the zoning ordinance to allow a maximum lighting fixture height in excess of 18' for school parking lots
 - Disposition: Approved variance request to allow lighting fixtures up to 28' in height (4-0)
- **Variance Request: 422 Williamson Street**
 - Applicant: Don Lambert
 - Location: 422 Williamson Street, York County Tax Map Number 020-06-02-032
 - Zoning Designation: R-10 Residential
 - Request: Applicant requested a variance from the zoning ordinance to allow a detached carport in front of a primary residence and a reduction of the side yard setback requirement from 5' to 3'
 - Disposition: Approved variance request to reduce side yard setback from 5' to 3' (4-0). Denied variance request to permit a detached carport in front of the primary residence (3-1).
- **Variance Request: 505 Harris Street**
 - Applicant: Raymond Leamer
 - Location: 505 Harris Street, York County Tax Map Number 020-01-14-013
 - Zoning Designation: R-15 Residential
 - Request: Applicant requested a variance from the zoning ordinance to allow a detached carport in front of a primary residence.
 - Disposition: Denied variance request to permit a detached carport in front of the primary residence (4-0)

Historic Review Board Meeting Summary

The Historic Review Board (HRB) did not meet during the month of July 2014 due to a lack of items for consideration.

Upcoming Meetings & Events

- | | |
|---|--|
| <ul style="list-style-type: none">• Town Council Meeting<ul style="list-style-type: none">○ Fort Mill Town Hall○ Mon. August 11, 2014○ 7:00 PM• Town Council Quarterly Workshop<ul style="list-style-type: none">○ Location TBD○ Sat. August 16, 2014○ 8:30 AM | <ul style="list-style-type: none">• Historic Review Board Meeting<ul style="list-style-type: none">○ Fort Mill Town Hall○ Tues. August 12, 2014○ 4:30 PM• Board of Zoning Appeals Meeting<ul style="list-style-type: none">○ Fort Mill Town Hall○ Mon. August 18, 2014○ 6:00 PM |
|---|--|

- **Town Council Meeting**

- Fort Mill Town Hall
- Mon. August 25, 2014
- 7:00 AM

- **Planning Commission Meeting**

- Fort Mill Town Hall
- Tue. August 26, 2014
- 7:00 PM

All meetings are open to the public. Please visit www.fortmillsc.org for meeting updates and agendas.

Did you know?

Comprehensive Plan

The South Carolina Comprehensive Planning and Enabling Act (1994), requires all municipalities and counties to develop and adopt a comprehensive plan. The comprehensive planning process must include an inventory of existing conditions, a statement of needs and goals, and implementation strategies (objectives, steps and strategies) with specific time frames.

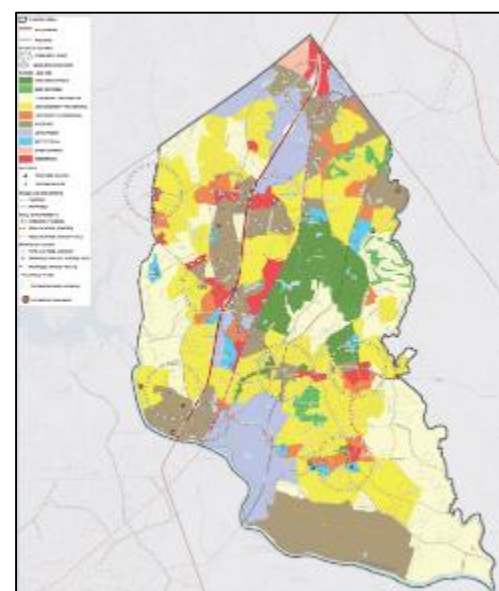
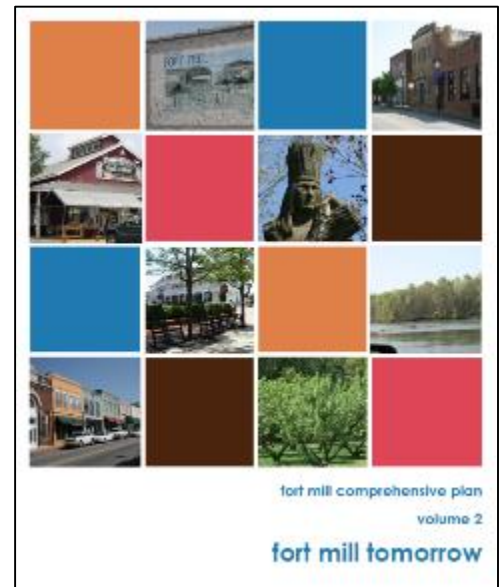
State law requires a comprehensive plan to be comprised of at least nine (9) elements, plus any other elements deemed necessary by the local jurisdiction. All planning elements represent the planning commission's recommendations to the local governing body regarding the wise and efficient use of public funds, future growth, development, redevelopment and the fiscal impact of the planning elements on property owners. These elements include:

- | | |
|------------------------|-----------------------|
| • Population | • Housing |
| • Economic Development | • Land Use |
| • Natural Resources | • Transportation |
| • Cultural Resources | • Priority Investment |
| • Community Facilities | |

The Fort Mill Comprehensive Plan also includes a future land use map. Town council, staff and the planning commission refer to this map for guidance each time a request is made to rezone, annex or develop a piece of property within the town limits.

The planning commission must review the town's comprehensive plan, or specific elements to the plan, as often as necessary, but not less than once every five (5) years. The comprehensive plan, including all elements, must be updated at least every ten (10) years.

The Fort Mill Comprehensive Plan was last re-written in 2008. A five-year update was adopted by town council in 2013, following a series of public input meetings. To view a PDF copy of the town's current comprehensive plan, please visit the Planning Department website at http://fortmillsc.org/TownServices_Planning.aspx



Contact Us

The Fort Mill Planning Department enforces the town's zoning ordinance, subdivision regulations and other land development codes; provides staff support to the Planning Commission, Board of Zoning Appeals and Historic Review Board; and handles long-term planning and growth related issues for the Town. Please feel free to contact our office if you need assistance with the following:

- Annexations
- Rezoning
- New residential and commercial construction
- Starting a new business or home occupation
- Accessory uses, such as fences, pools, decks, sheds, etc.
- Sign permits
- Subdivisions and recombinations
- Historic/architectural review
- Interpretation of zoning ordinances
- Zoning confirmation
- Town maps and planning documents
- General land use and development questions

Joe Cronin

Planning Director

Town of Fort Mill

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[Click here to visit the Planning Department Website](#)



Development Data:

Tax Parcel:	SINGLE-FAMILY DETACHED 926-10-1881, 926-1027-88A, 926-1028-1
Site Area:	+11,677.36 Acres
Location:	Town of Fort Meade, SC
Proposed Land Use:	Single-Family Attached Homes, Single-Family Detached Homes, Community-Centered/Light Local Public Park Area
Zoning:	MU-2C
Total Lots:	1,048 Lots
Proposed Density:	2.2 D.U./AC
Proposed Covered Open Space:	188 AC

MU 2C Standards:

Single-Family Detached: Minimum Lot Area:	2,400 S.F.
Minimum Street Frontage:	30' (at front setback)
Setbacks:	
Front	30'
Side	5'
Rear	70'
Maximum Height:	45'

Prop. Typical Lot Standards:

40' x 120' Typical Single-Family Lot:	= 118 Lots
52' x 120' Typical Single-Family Lot:	= 221 Lots
62' x 130' Typical Active Adult Lot:	= 123 Lots
62' x 130' Typical Single-Family Lot:	= 222 Lots
68' x 130' Typical Single-Family Lot:	= 194 Lots
77' x 140' Typical Single-Family Lot:	= 88 Lots
Townhomes:	= 116 Units
TOTAL:	= 1,048 Lots

Proposed Units:
Waterline at the Catawba Preliminary Plan Unit Boundary

A) Approved MU-2C Zoning	1,280 Total Units
Single Family Detached Homes	1,000 Units
Single Family Attached Homes	280 Units
B) Waterline at the Catawba Preliminary Plan Unit Boundary	1,548 Total Units
Single Family Detached Homes	832 Units
Single Family Attached Homes	716 Units
C) Preserving (lots over zoning)	232 Units

[illegible]

ENGINEERING FIRM:	EDF ASSOCIATES, P.A.
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	PORT HILL, NC 27968
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CONTACT:	BART J. FRERKER, P.E.
DEVELOPER:	LENNAR CAROLINAS, LLC
ADDRESS:	11200 SHAMMEL COLUMBIA RD
	CHARLOTTE, NC 28226
PHONE:	(704) 480-4000
CONTACT:	THOMAS JOHNSON
	DIRECTOR OF LEAD DEVELOPMENT
REPORT AGENCY:	TRAVIS OF PORT HILL
ADDRESS:	101 COMMERCE STREET
	PORT HILL, NC 27968
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		ESP Associates, P.A. 10000 Westchase Drive, Suite 100 Houston, TX 77036 P: 281.416.9600 F: 281.416.9601 www.essentialplans.com	
			
			
			
			
			
			
			
			
			
			
			

Planning Commission Meeting
August 26, 2014
Item for Information / Discussion

Discussion of Traffic Issues & Strategies

Background / Discussion

During the July Planning Commission meeting, a discussion took place regarding emerging traffic and transportation-related issues in the Fort Mill area. During the meeting, Planning Director Cronin informed members of the commission that staff, at the request of town council, had been working on a list of ideas or concepts that could be studied or implemented locally in an effort to better manage, mitigate, or address current and future transportation needs throughout the community.

Below is a summary of some of the policies, strategies and initiatives that have been identified to date. This summary is not intended to be all-inclusive, and staff would welcome additional input from Planning Commission members in developing this list.

The items below may be discussed in greater detail during the August Planning Commission meeting.

- **Planning Initiatives**

- Complete a town-wide transportation study and master plan
- Benchmark and monitor capacity and levels of service for major thoroughfares and intersections
- Require a traffic study for all new development requests / annexations / rezonings
- Adopt a “complete streets” policy for new development to include sidewalks, pathways, bike lanes, etc.
- Adopt a right-of-way and/or corridor preservation ordinance to protect areas targeted for future roadways
- Adopt zoning requirements that promote or incentivize development nodes / walkable communities / transit-oriented development / interconnectivity
- Participate in joint and/or regional transportation planning efforts with York County, Tega Cay, Rock Hill, RFATS, SCDOT, and others

- **Generate additional funding for transportation improvements**

- Create a municipal transportation special revenue fund
- Adopt a transportation impact fee for new development
- Consider diverting property tax revenues from vehicles from the general fund to a dedicated transportation fund

- Pursue outside funding opportunities for transportation projects, including Federal Guidesshare dollars, CMAQ grants, TEP grants, Safe Routes to School grants, C-Funds, and other sources
- Continue to support, and actively pursue, additional projects in the Fort Mill area during future rounds of the York County Pennies for Progress capital projects sales tax program
- Proactively advocate for additional resources (and local funding options) from state and federal governments
- **Invest in roadway improvements (in coordination with SCDOT)**
 - Traffic signal coordination
 - Right-of-way acquisition
 - Design and engineering
 - Construction projects
 - New roads
 - Road widenings
 - Bridge improvements
 - Intersection improvements
 - Turn lanes
 - Traffic control devices
 - Provide matching funds for state and federal grants
- **Invest in roadway alternatives**
 - Sidewalks
 - Joint Use Paths
 - Bike lanes
 - Safety improvements (crosswalks, pedestrian signals, etc)
 - Transit service
 - Park and ride facilities
- **Provide additional resources for transportation planning**
 - Hire a transportation planner or consultant
 - Hire a transportation engineer or consultant
- **Deter non-resident “cut through” traffic**
 - Consider reducing speed limits along major thoroughfares
 - Vigorously enforce speed limits and traffic regulations
- **Maintain existing infrastructure**
 - Enhance inspection programs for new roadways intended for future dedication to the town

- Establish a ranking criteria and maintenance program for existing town-maintained roads
- Consider a dedicated millage or fee for the maintenance of transportation infrastructure